

RESIDENTIAL OPPORTUNITIES, INC.



PERSONNEL POLICIES & PROCEDURES

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FOREWORD

Welcome to Residential Opportunities, Inc., one of Kalamazoo's leading nonprofit mental health organizations and a leading provider of residential and support services for individuals with disabilities in Southwestern Michigan. A member of the community since 1978, ROI has gained a stellar reputation for providing excellence and the highest level of care in group homes, supported living, respite, children's in-home and community supports services, after-school programming, training, low-income housing, and representative payee services. Whether you have just joined our staff or have been at ROI for a while, we are confident that you will find ROI a rewarding place in which to work, and we look forward to a productive and successful association.

We consider the employees of ROI to be one of our most valuable resources, and these Policies and Procedures (herein referred to as your Employee "Handbook") have been written to serve as the guide for the employer/employee relationship. There are several things that are important to keep in mind about this Handbook. First, it contains only general information and guidelines. It is not intended to be comprehensive or to address all the possible applications of, or exceptions to, the general Policies and Procedures described. For that reason, if you have any questions concerning eligibility for a particular benefit, or the applicability of a policy or practice to you, you should address your specific questions to your supervisor or the Human Resources Department.

Second, neither this Handbook nor any other ROI document confers any contractual right, either expressed or implied, to remain in ROI's employ. Nor does it guarantee any fixed terms and conditions of your employment. Your employment is not for any specific time and may be ended at will, with or without cause and without prior notice, by ROI or you at any time. No supervisor or other representative of ROI (except the CEO or the Board of Directors) has the authority to enter into any agreement for employment for any specified period of time, or to make any agreement contrary to the above.

Third, the procedures, practices, policies and benefits described here may be modified or discontinued at any time. We will inform you of changes as they occur. The current ROI Policies and Procedures supersede any and all other handbooks, policies, procedures, understandings and standards, written or verbal, expressed or implied. Additionally, some of the subjects described here are covered in more detail in other official documents. You should refer to those documents for specific information, since this Handbook only briefly summarizes those benefits. Please note that the terms of the written insurance policies take precedence over the statements in this Handbook.

Fourth, ROI's "Workforce members" include employees, volunteers, agents and contractors, and when a policy or procedure refers to "employees," the policy equally applies to all workforce members who may be impacted by the policy.

Finally, ROI's Board of Directors shall approve all personnel policies and amendments thereto. The Program and Personnel Committee of the Board of Directors may review and offer input for personnel procedures as drafted by ROI staff in accordance with ROI's policy and procedures drafting guidelines. The Board of Directors shall govern any circumstance not specifically addressed by these Policies and Procedures.

ROI'S MISSION, VISION, AND CORE VALUES

Mission: *To support children and adults with disabilities and their families, so that they may enjoy community and home and pursue health and independence.*

Vision: *A world that embraces and supports people of all abilities to live as full members of their communities*

Core Values:

- *We are an organization of values upon which we rely and depend.*
- *We meet the needs of the individuals we serve as our highest priority.*
- *We recognize and celebrate the diversity of all people and believe everyone should be treated with dignity and respect.*
- *We empower the individuals we serve to pursue their goals, dreams, and desires.*
- *We recognize, encourage, and advocate that individuals have the right and responsibility to make choices in the decisions that affect their lives.*
- *We facilitate and welcome the involvement of families and friends as an integral part of the lives of the individuals we serve.*
- *We are passionate about our work and dedicated to the individuals we serve and the agency we represent.*
- *We encourage one another to demonstrate quality performance, commitment to our Core Values, and longevity of employment; and we recognize each other for it.*
- *We act as responsible stewards of our resources in all we do.*
- *We seek opportunities to both cultivate and collaborate with community resources in order to benefit those we serve.*

A. INTRODUCTION

1. ACRONYMS AND ROI TERMINOLOGY

Internal to ROI	
ALS	ROI Team, formerly “Assisted Living Services”
APC	Assistant Program Coordinator
CEO	Chief Executive Officer
CFO	Chief Financial Officer
CLS	ROI Team, formerly “Community Living Services”
COO	Chief Operating Officer
Directors	ROI management staff, consisting of: CEO, COO, CFO, Director of Properties, Director of Development, and PDs.
DSP	Direct Support Professional / Direct Care Worker
MOD 1	Introduction to Residential Services, Working with People with Disabilities, Self-Determination, and Person-Centered Planning
MOD 6	Environmental Emergencies
NHO	New Hire Orientation
PC	Program Coordinator
PD	Program Director
PDR	Performance Deficiency Report
PLS	ROI Team, formerly “Personal Living Services”
PSC	Payroll Status Change
ROI	Residential Opportunities, Inc.
SC	Stone Cottage
TQM	Total Quality Management
The Mental Health Field / In General	
ADA	Americans with Disabilities Act
ADAAA	Americans with Disabilities Act Amendments Act of 2008
AFC	Adult Foster Care
BBP	Bloodborne Pathogens
BI/TBI	Brain Injury/Traumatic Brain injury
CI	Cognitive Impairment
CM	Case Manager
CSW	Certified Social Worker
DD	Developmental Disability
DD/MI	Dually Diagnosed: Developmental Disability, Mental Illness
FMLA	Family and Medical Leave Act
HHA	Home Health Aide (Renamed to Children’s In-Home and Community Supports Services)
HIPAA	Health Information Portability and Accountability Act
I&A	Incident and Accident Report
LPN	Licensed Practical Nurse
MI	Mental Illness
MR	Mental Retardation
OT	Occupational Therapist
PCP	Person Centered Planning
PHI	Protected Health Information
QMRP	Qualified Mental Retardation Professional
RR	Recipient Rights
RSW	Registered Social Worker
SA	Substance Abuse
SC	Supports Coordinator

SD	Self Determination
SED	Serious Emotional Disturbance
SIB	Self-Injurious Behavior
SLA	Supported Living Alternatives
SSDI	Social Security Disability Insurance
SSI	Social Security Insurance
SSN	Social Security Number
<u>Collaborative / External Agencies</u>	
APS	Adult Protective Services
ARC	American Red Cross
BC/VAMC	Battle Creek Veteran's Administration Medical Center
CDS	Center for Disability Services
CFS	Catholic Family Services
CLO	Community Living Options (provider of residential and supports services)
CMH	Community Mental Health
DCH	Department of Community Health
DHS	Department of Human Services
F&CS	Family and Children's Services
GKUW	Greater Kalamazoo United Way
HRI	Housing Resources, Inc.
KCMHSAS	Kalamazoo Community Mental Health and Substance Abuse Services
KCMS	Kalamazoo Center for Medical Studies (medical clinic)
KPH	Kalamazoo Psychiatric Hospital
KRESA	Kalamazoo Regional Educational Service Agency
MRC	MRC Industries / McKercher Rehabilitation Center (day services)
MRS	Michigan Rehabilitation Services
MSHDA	Michigan State Housing Development Authority
MW/C	Ministry with Community
OCAL	Office of Child and Adult Licensing
ORR	Office of Recipient Rights
VA	Veteran's Administration
VNA	Visiting Nurse Association

2. EQUAL EMPLOYMENT OPPORTUNITY

Policy

Equal Employment Opportunity has been, and will continue to be, a fundamental principle at ROI, where employment is based upon personal capabilities and qualifications without discrimination based on any Protected Class. ROI will comply with all federal, state, and local EEO laws.

“Protected Class,” as used throughout ROI’s Personnel Policies and Procedures, is defined as a person’s race, color, national origin, creed, religion, age, marital or familial status, pregnancy, physical characteristics, disability, military status, sex (with or without sexual conduct), sexual orientation, gender identity, height, weight, genetic information as prohibited by the Genetic Information Nondiscrimination Act, and/or any other characteristic protected by law.

This policy of Equal Employment Opportunity applies to all Policies and Procedures relating to recruitment and hiring, compensation, benefits, discharge and all other terms and conditions of employment. ROI prohibits and will not tolerate: any discrimination or harassment based on any Protected Class, or any retaliation against a person who exercises rights under this EEO policy.

Procedures

The COO has overall responsibility for this policy, and employees should refer questions or concerns to their supervisor or the COO (or, if the allegation is against the COO, contact the CEO). ROI will address allegations of violations of this policy consistent with ROI’s Non-Discrimination and Anti-Harassment Policies and Procedures. Employees who violate this policy may be subject to disciplinary action, up to and including discharge from employment.

3. NON-DISCRIMINATION AND ANTI-HARASSMENT

Policy

ROI is committed to a work environment in which all individuals are treated with dignity and respect. ROI expects that all relationships among persons in the workplace will be professional and free of bias; ROI prohibits discrimination, harassment and retaliation against a person because of their Protected Class.

Discrimination: ROI prohibits discrimination based on Protected Class in all aspects of employment, including: hiring and firing; compensation, employee assignment/classification; transfer, promotion, layoff, or recall; job advertisements; recruitment; testing; use of ROI facilities; training/apprenticeship programs; fringe benefits; pay, retirement plans, and disability leave; and/or other terms and conditions of employment. Prohibited discriminatory practices include: harassment or disparate treatment on the basis of any Protected Class; retaliation against an individual for filing a charge of discrimination, participating in an investigation, or opposing discriminatory practices; employment decisions based on stereotypes or assumptions about the abilities, traits, or performance of individuals belonging to a Protected Class; and denying employment opportunities to a person because of association with an individual belonging to a Protected Class.

Harassment: ROI prohibits harassment, which means unwelcome verbal or nonverbal communication and / or physical contact, which unreasonably interferes with an employee's work performance or creates an intimidating, hostile or offensive work environment. Harassment may include sexual harassment.

- **Sexual Harassment:** Sexual harassment constitutes discrimination and is illegal under federal, state and local laws. For the purposes of this policy, sexual harassment is defined, as in the Equal Employment Opportunity Commission Guidelines, as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example: (i) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (ii) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (iii) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment. Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include, but are not limited to: unwanted sexual advances or requests for sexual favors; sexual jokes and innuendoes; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; leering, catcalls or touching; insulting or obscene comments or gestures; display or circulation in the workplace of sexually suggestive objects or pictures (including through e-mail); and other physical, verbal or visual conduct of a sexual nature. Sex-based harassment, i.e., harassment not involving sexual activity or language (an example would be if a male manager yells only at female employees and not males) may also constitute harassment and/or discrimination if it is severe or pervasive and directed at employees because of their sex.
- **Harassment (other than Sexual) and Discrimination:** ROI also strictly prohibits harassment on the basis of any other Protected Class. Under this policy, harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual based on any Protected Class, or the Protected Class status of an individual's relatives, friends or associates, and that: (i) has the purpose or effect of creating an intimidating, hostile or offensive work environment; (ii) has the purpose or effect of

unreasonably interfering with an individual's work performance; or (iii) otherwise adversely affects an individual's employment opportunities. Harassment may also constitute discrimination if it is severe or pervasive and directed at employees because of their Protected Class.

- **Harassing conduct** includes, but is not limited to: epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; physically touching an employee in a manner that offends the employee; denigrating jokes; and display or circulation in the workplace of written or graphic material that denigrates or shows hostility or aversion toward an individual or group (including through e-mail).

Individuals and Conduct Covered: These policies apply to all applicants, volunteers and employees, and prohibit harassment, discrimination and retaliation whether engaged in by fellow employees, by a supervisor or manager, or by someone not directly connected to ROI (e.g., an outside vendor, consultant or customer). Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings and business-related social events.

Retaliation Is Prohibited: ROI prohibits retaliation against any individual who reports discrimination or harassment or participates in an investigation of such reports. Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, may be subject to disciplinary action, up to and including discharge from employment. ROI will also comply with all pertinent local, state, and federal anti-retaliation laws, including the Michigan Whistleblowers' Protection Act (469 P.A. 1980).

Procedures

The COO has overall responsibility for this policy and employees should refer questions or concerns to the COO (or, if the issue involves the COO, to the CEO). Employees who violate this policy may be subject to disciplinary action, up to and including discharge from employment.

Employees who are experiencing unwelcome conduct must advise the offender that the behavior is offensive and request that it stop. Employees who have done this and the offensive behavior continues, or employees who believe they are being subjected to harassment or discrimination, must promptly report the behavior pursuant to the reporting procedures set forth below.

Reporting an Incident of Harassment, Discrimination or Retaliation: Employees must report all incidents of discrimination, harassment or retaliation, regardless of the alleged offender's identity or position within ROI. Individuals who have witnessed or experienced conduct that they believe is contrary to ROI's policy or who have concerns about such matters must file their complaints with either their immediate supervisor, their Director, the HR Manager, the COO, or the CEO, before the conduct becomes severe or pervasive. Individuals do not have to file their complaints with their immediate supervisor first before bringing the matter to the attention of one of the other representatives identified above. Individuals must promptly report complaints or concerns, so that ROI may take rapid and constructive responsive actions. ROI will make every effort to stop alleged harassment before it becomes severe or pervasive, but can only do so with the cooperation of our employees.

Immediate, temporary relief: Once aware of an allegation of harassment or discrimination, ROI may implement immediate, temporary steps designed to protect the Complainant from possible further harassment or possible retaliation. This may include, for example, suspending or reducing the scheduled hours of the alleged offender or rearranging the schedule of or providing a transfer of either

the alleged offender or the Complainant. If the charge is not substantiated, or if, despite the fact that the charge is substantiated, the COO or CEO determines that the immediate, temporary remedy was not warranted, any lost wages that resulted may be repaid.

Investigator(s): The COO or COO's designee will investigate all allegations of harassment, discrimination, and/or retaliation at ROI, unless the allegation is against the COO, the CFO, or the CEO. The CEO will investigate any charges of harassment, discrimination, and/or retaliation against the COO or CFO; and member(s) of the Board of Directors appointed by the Board President will investigate any charges of harassment, discrimination, and/or retaliation against the CEO.

Investigation: ROI will promptly, thoroughly and impartially investigate any reported allegations of harassment, discrimination or retaliation. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge. ROI will maintain confidentiality throughout the investigatory process to the extent consistent with adequate investigation and appropriate corrective action. ROI will make every effort to begin an investigation within 72 hours of the time a written complaint is made. Investigators superior in employment rank to the Complainant and the alleged offender, who do not present a conflict as an investigator, will conduct all investigations. For example, an investigator would never be assigned to investigate a complaint involving a Complainant or an alleged offender to whom the investigator is related, of whom s/he is considered to be a "good friend," for whom s/he provides direct supervision, or by whom s/he is directly supervised.

Responsive Action: ROI will promptly and appropriately address misconduct constituting harassment, discrimination or retaliation. Depending on the circumstances, responsive action may include but is not limited to: training, monitoring, reassignment, and/or disciplinary action up to and including discharge from employment.

Misrepresentations: If a Complainant intentionally fabricates an allegation of harassment, discrimination, or retaliation, or if a witness knowingly supports a fabricated allegation, ROI may take appropriate disciplinary action up to and including discharge from employment.

Appeal: If a party disagrees with the outcome of an investigation under this policy and procedure, the party may file an appeal with the CEO within one calendar week of receipt of the investigator's determination. The CEO will advise the Complainant, the alleged offender, and the investigator of his/her findings/decision within two weeks of concluding a review. The CEO's decision is final. There is no appeal to the findings of the Board of Directors in the case of substantiated harassment/discrimination/retaliation on the part of the CEO; however, at the discretion of the Board President, a case may be reopened if new, relevant evidence presents within 6 months following the close of the investigation by the Board.

No basis for exception: The law and the policies of ROI prohibit disparate treatment on the basis of any Protected Class, with regard to terms, conditions, privileges and prerequisites of employment. The prohibitions against harassment, discrimination and retaliation are intended to complement and further these policies, not to form the basis of an exception to them. Accordingly, these Policies and Procedures should not, and may not, form a basis for excluding or separating individuals belonging to any Protected Class from participating in business or work-related social activities or discussions to avoid allegations of harassment.

4. AMERICANS WITH DISABILITIES ACT

Policy

ROI is committed to complying with all applicable provisions of the Americans With Disabilities Act of 1990 ("ADA") and the Americans with Disabilities Act Amendments Act of 2008 ("ADAAA"). It is ROI's policy to not discriminate against any qualified employee or applicant with regard to any terms or conditions of employment because of such individual's disability or perceived disability so long as the employee can perform the essential functions of the job. Consistent with this policy of nondiscrimination, ROI will provide a reasonable accommodation to a qualified individual with a disability, as defined by the ADA and ADAAA, who has made ROI aware of his or her disability, provided that such accommodation does not constitute an undue hardship on ROI.

ROI encourages individuals with disabilities to come forward and request reasonable accommodation, and prohibits retaliation against employees for exercising rights under the ADA / ADAAA.

Procedures

Employees with disabilities who believe they need reasonable accommodations to perform the essential functions of their job should contact their supervisor, their Director, or the COO. On receipt of an accommodation request, the COO or COO's designee and the employee's supervisor will meet with the employee to discuss and identify the precise limitations resulting from the disability and the potential accommodation that ROI might make to help overcome those limitations. ROI will determine the feasibility of the requested accommodation considering various factors, including but not limited to the nature and cost of the accommodation, ROI's overall financial resources, and the accommodation's impact on the operation of ROI, including its impact on the ability of other employees to perform their duties and on ROI's ability to provide services.

ROI will inform the employee of its decision regarding the accommodation request and/or the proposed accommodation. If the accommodation request is denied, employees may appeal the decision by submitting to the CEO a written statement explaining the reasons for the request. The CEO's decision is final.

The ADA does not require ROI to make the best possible accommodation, to reallocate essential job functions, or to provide personal use items (i.e., eyeglasses, hearing aids, wheelchairs etc.).

An employee or job applicant who has questions regarding this policy or believes that he or she has been discriminated against based on a disability should notify the COO (or, if the allegation is against the COO, notify the CEO). All such inquiries or complaints will be treated as confidential to the extent permissible by law.

5. CONFLICT OF INTEREST

Policy

ROI requires employees to support and uphold our Mission, Vision and Values in all work-related activities. ROI prohibits employees from engaging in any activity or maintaining any outside interest that might interfere with the satisfactory performance of their duties, make it difficult to perform their duties for ROI objectively and effectively, or be harmful or detrimental to ROI or the individuals served. A conflict of interest occurs when an employee's private interest interferes or appears to interfere with ROI's interests and may also arise when an employee receives improper personal benefits as a result of the position with ROI.

Failure to disclose a conflict or to comply with a management plan may result in disciplinary action, up to and including discharge from employment.

Procedures

Employees must immediately disclose in writing any actual or potential conflicts of interest to a supervisor, the Human Resources Manager, or the COO, and must comply with any conflict of interest management plan established by ROI relating to their employment.

Examples of actual or potential conflicts of interest may include, but are not limited to:

- Outside employment. Employees are prohibited from working for competitors of ROI, similar services providers, or major contractors, suppliers, or customers of ROI.
- Co-workers who are family members or with whom an employee has a close or intimate personal relationship. In this situation, ROI may: require the employees involved to work on different shifts or in different programs; transfer employees; or prohibit supervisor/subordinate relationships between employees involved. This list is not exhaustive, and ROI may determine that other employment actions are warranted.
- Having a close personal or family relationship (including Guardianship) with persons who receive ROI services. Employees who are family members of persons served by ROI or who have close personal relationships with persons who receive ROI services will not work in the same program or otherwise provide services to the individuals served.
- Sharing any confidential information with competitors or providers of similar services in the absence of a written release. This is prohibited.
- Using ROI tools or equipment (e.g., a van or computer) away from ROI. This is prohibited unless specifically authorized by a supervisor.

6. GIFTS OR EXCHANGE OF MONEY

Policy

Employees are prohibited from soliciting gifts (including cash, gift cards, gift certificates, and other items of value) from individuals, families, co-workers, vendors, or agents of other organizations for the work they do as ROI representatives. Employees may accept some unsolicited gifts with conditions listed in the procedures. Employees must report all gifts and offers of gifts (including cash, gift cards, gift certificates, other items of value, and any means of grateful expression such as artwork) to their direct supervisor.

Procedures

Employees may accept complimentary business meals as long as doing so does not create an actual or perceived conflict of interest or contract/guarantee for business between the employee/ROI and the person/entity paying for the lunch.

An individual or family may give a gift to an employee as an expression of gratitude. In deference to them, it is permissible for employees to accept handmade personal items and food items. Employees may not accept money or gifts with a cash value of more than \$25, and must report all gifts and offers of gifts to their direct supervisor.

Departments or programs may accept gifts with a cash value of more than \$25 with the express permission of the relevant Director. Such gifts must be used for the benefit of the program, department, or agency as a whole. The recipient must give the donor a receipt for the gift, as well as notify the Director of Development.

In the event of a gift offer not addressed in this policy, the employee should seek guidance from his/her supervisor or the relevant Director.

ROI prohibits employees from soliciting or borrowing money or other items of value from individuals served or from friends / family members of individuals served. Conversely, ROI also prohibits employees from making loans or giving money to individuals served or to friends / family members of individuals served.

7. SOCIAL SECURITY NUMBER PRIVACY POLICY

Policy

Pursuant to the Michigan Social Security Number Privacy Act, Public Act 454 of 2004, ROI's goal is to maintain, to the greatest extent possible, the confidentiality of employees' Social Security Numbers ("SSN"s). This Act strictly limits the use, disclosure and transmission of employee's social security numbers. ROI prohibits the unlawful disclosure of SSNs; any employee found to have unlawfully disclosed another person's SSN or otherwise to have violated this policy may be subject to disciplinary action, up to and including discharge from employment.

Procedures

Per federal tax regulations, employees must provide their SSN upon employment. ROI will not utilize full SSNs for Employee Identification. ROI does utilize SSNs for certain lawful and required purposes, including payroll/benefits, employment verification, background/criminal histories, and to report to governmental agencies as required by law. ROI will not disclose an employee's SSN to external sources (outside of those allowed by law) without express permission of the employee. ROI will limit exposure of employees' SSNs to those staff whose jobs require use of employees' SSNs. Prior to disposal, ROI will shred any document containing a SSN.

8. HIPAA/ CONFIDENTIALITY / PRIVACY

Policy

ROI will adhere to the HIPAA Privacy Rules and will ensure that its Policies and Procedures reflect any changes to the rules that apply to ROI.

ROI's HR Manager is the HIPAA Privacy Officer, and is responsible to update the policy and procedures as recommended or necessary. Any individual served, or any person acting on behalf of an individual served by ROI, may make a complaint regarding the inappropriate use and/or disclosure of Protected Health Information ("PHI").

Procedures

Privacy Training: To comply with the HIPAA Privacy Rule, ROI trains all workforce members regarding the Privacy Rule and policies, procedures and practices. As a reminder, "workforce members" include employees, volunteers, agents and contractors. Within 90 days of hire, all new workforce members will receive Privacy Training relevant to the functions they perform with respect to PHI. The HIPAA Privacy Officer establishes and oversees on-going training and re-training within a reasonable period of time following material changes to the Policies and Procedures required by the Privacy Rule. The Privacy Officer ensures that training is documented, and initiates training updates on a periodic basis.

Security Responsibility: ROI's Privacy Officer ensures ROI security related to PHI, and has primary responsibility for creating and implementing the overall security management plan of ROI. The HIPAA Privacy Officer manages and supervises security measures to protect data, the physical protection of facilities and equipment related to data, and the conduct of employees in relation to protecting the data containing PHI.

Security Training: In order to comply with HIPAA Security and Privacy Rules, ROI trains workforce members who have access to PHI. The training program contains: security awareness training; ongoing prompts regarding security; user education concerning virus protection; user education regarding monitoring log-in success and failure and how to report discrepancies; and user education in password management. New workforce members are trained within 90 days of hire.

Mitigation: ROI complies with the HIPAA Privacy Rules by mitigating any harmful effect of any inappropriate use or disclosure of PHI. This applies to all violations of policies, procedures, and laws protecting an individual's privacy as well as violation of the HIPAA Rules. ROI ensures that all persons served and their legal representatives have a process by which they can register complaints regarding ROI's privacy practices.

Filing a complaint: Complaints should be directed to the HIPAA Privacy Officer via phone call (269.343.3731), e-mail, in writing, or in person. A complainant may also register a complaint with the Secretary of the Department of Health and Human Services (HHS) if not satisfied with the way the complaint was handled by ROI. ROI will provide instructions, per a complainant's request, on how to file a complaint with HHS.

Investigating complaints: The HIPAA Privacy Officer is responsible for ensuring that policies and sanctions are implemented fairly and equitably, and will: log all reports of violations and resulting dispositions; respond to the complainant within one business day of receiving a complaint; explain the investigation process to the complainant; conduct an investigation of any alleged violations (or assign a designee to investigate); and update the complainant throughout the process at agreed-upon intervals. The investigation will conclude with a written response to the potentially injured parties that all

parties can understand, although parties may disagree with the findings.

Sanctions: ROI will inform/train all workforce members regarding compliance to HIPAA Privacy and Security Rules and Sanctions should violations occur. Sanctions will be commensurate with severity of the violation and congruent with progressive disciplinary procedures maintained by ROI. Sanctions will be imposed for all violations whether intentional, unintentional, or a pattern of improper use or disclosure of PHI. ROI is responsible for training all workforce members in responsibilities and sanctions for violations. All workforce members are obligated to report violations to the HIPAA Privacy Officer immediately following discovery of the violations. Failure to report a violation or reporting in an untimely manner, either on the part of the person who violated the privacy/security or on the part of a workforce member who has knowledge of the breach, may result in additional sanctions/disciplinary actions. Violations by ROI workforce members of HIPAA Privacy and Security rules will result in sanctions administered by the HIPAA Privacy Officer or his/her designee. Investigations will be confidential, and final determinations will be made in writing within one week of the last related conference. Workforce members will have the protection of the Whistleblower's Act and can expect an environment free from retaliation and intimidation.

9. FRAUD AND ABUSE

Policy

It is the policy of ROI to conduct all of its business with high ethical standards and in compliance with all state and federal laws governing its activities. This policy addresses the issues of fraud and abuse in billing and financial activities of the organization. It is part of ROI's compliance program, with associated policies and procedures, to detect, investigate, and report any suspected fraud or abuse in accordance with the Federal Deficit Reduction Act. For purposes of this policy only, 'abuse' refers to abuse of financial resources of the organization.

Procedures

ROI is committed to the investigation and reporting of any suspected fraud or abuse within its operations. ROI is dedicated to preventing fraud, abuse, and waste in the implementation of its mission. ROI has established a corporate compliance program, including the appointment of a Corporate Compliance Officer, to meet these goals.

All employees are obligated to adhere to all legal, regulatory, fiscal, and program requirements.

Each employee is responsible for understanding and implementing ROI's Policy on Fraud and Abuse, the Federal False Claims Act, and Michigan Whistleblower's Projection Act. (See Appendix 4 for more information on these federal laws).

FRAUD AND ABUSE PREVENTION

Each employee is required to immediately report any suspected fraud, abuse, or waste to ROI's Corporate Compliance Officer or to any ROI supervisor. Employees shall not be discriminated or retaliated against or be subject to any form of disciplinary action or adverse employment actions for making good faith reports. Supervisors are required to report up to the Corporate Compliance Officer or an ROI Director within 1 business day.

ROI and its employees are required to provide only those services authorized and necessary and to accurately document and bill for authorized services. At no time and under no circumstance will any employee knowingly make false or inaccurate claims, bill for services not rendered, provide and/or bill for unnecessary service, or submit duplicate billings.

Failure to adhere to this policy, its associated procedures, and/or the laws and regulations referred to in this policy will result in disciplinary action, up to and including discharge from employment, and possible legal penalties.

Investigation of Fraud and Abuse: ROI will ensure compliance with all regulatory and funding entities' requirements regarding investigation. The ROI Compliance Officer will ensure that an investigation is initiated within 3 business days; excluding holidays and week-ends. In the absence of the Compliance Officer, the CEO or COO will initiate an investigation within three business days.

B. EMPLOYMENT

1. SCHEDULED HOURS

Policy

In general, employees are assigned a work schedule that meets the needs of ROI and the individuals served by ROI. To the extent possible, an employee's total number of regularly-scheduled working hours shall be negotiated between the employee and ROI. The determined number of hours will also be recorded on a Payroll Status Change ("PSC") form, and the number of hours on the PSC form will be considered the employee's regularly-scheduled working hours, which in turn is used to determine employee classification and benefits eligibility. Note: the employee's regularly-scheduled working hours are not necessarily the same as the number of hours an employee actually works in a week.

The supervisor may alter the work hours for any staff due to changes in department requirements (e.g., holidays, day program closing, etc.) or program needs.

Procedures

HR is responsible for filling out new hire PSCs; all other PSCs shall be completed by the person taking the action that results in the need for a new PSC. For example, supervisors shall complete PSCs for employees when there is a change in scheduled work hours; and the HR Manager or his/her designee shall complete PSCs for employees who take FMLA leave. The COO (or the CFO, in the COO's absence) will review and sign off on all PSCs EXCEPT: the HR Manager may review and sign routine merit pay increase and new hire PSCs. Directors shall review and initial all PSCs that result in substantive changes, including changes in hours, transfers, promotions, demotions, and employment separations.

2. PROBATIONARY STATUS

Policy

Newly hired and promoted employees are probationary for the first 6 months of employment. During this time, ROI expects employees to complete all probation requirements, as stipulated in the employment letter and/or by ROI policies. The intent of ROI's probationary period is to allow ROI and new /promoted employees to determine if the individual, ROI, and the specific position held are a "good fit." During this time, the employee will receive classroom and on-the-job training, and informal and formal performance evaluations, to help him/her develop the skills necessary to provide the standard of performance expected by ROI as well as the individuals we serve. Note: Completing the probationary period does not guarantee continued employment and does not alter at-will status.

Procedures

Supervisors and administrators will be assessing the quantity and quality of work performed during the probationary period to determine if the long-term employment/promotion of the individual is in the best interest of the employee, the individuals served, and ROI. Meanwhile, the employee has the opportunity to determine if a career working towards ROI's mission and working in the specific position held is in his/her best interest. It is ROI's responsibility to make certain that the training required as a condition of hire/promotion is made available during the employee's probationary period or as soon as practicable. It is the employee's responsibility to successfully complete the required training during his/her probationary period. Failure to complete the necessary requirements by the end of the probationary period may result in demotion to a previously held position or disciplinary action, up to and including discharge from employment.

Limited employment rights: Like non-probationary ROI employees, probationary employees are "at will" employees who may quit or be discharged by ROI at any time. However, unlike non-probationary ROI employees, newly hired probationary employees do not have the rights conferred by the discipline and grievance Policies and Procedures contained herein.

Accrued time: Newly hired Classification A or B probationary employees will not accrue or use annual/sick time. Promoted employees on probation for their promotion (but previously benefits-eligible) may accrue and use annual/sick time consistent with annual/sick leave policies.

Evaluations: ROI will endeavor to evaluate all probationary employees during the probationary period. At the end of 6 months, the employee ordinarily will be removed from probationary status. However, upon supervisory recommendation, any of the following may occur instead:

- Extend probation for up to 6 additional months with an evaluation to be conducted at the end of that period. (A maximum of 6 months' total extension may be provided).
- Demotion, or, for promoted employees, return to the previous/equivalent position.*
- Transfer of the employee.*
- Discharge of the employee.*

* This option may be recommended at any time during the probationary period.

3. FAIR LABOR STANDARDS ACT CLASSIFICATION

Policy

All ROI employees are either “exempt” or “non-exempt” employees under the Fair Labor Standards Act (FLSA). This exemption status determines whether employees are entitled to applicable overtime pay.

Procedures

Generally speaking, non-exempt employees are entitled to 1½ times their regular rate of pay for all hours worked over 40 in a workweek. Exempt employees are not entitled to any overtime pay. The majority of employees at ROI, including DSPs, APCs, and administrative support staff, are non-exempt and therefore entitled to applicable overtime pay.

Employees may consult their job description, the HR Manager, or the COO if they have questions about their exemption status.

4. EMPLOYEE CLASSIFICATION

Policy

All ROI employees fall into one of the following employees classifications for purposes of employee benefits and privileges:

- Classification A: All exempt employees.
- Classification B: Non-exempt employees whose PSC form indicates the employee's regularly-scheduled working hours as 74 or more hours per pay period.
- Classification C: Non-exempt employees whose PSC form indicates the employee's regularly-scheduled working hours as less than 74 hours per pay period.

Procedures

ROI will notify every employee of his/her employment classification. The employment classification is subject to change, based on the hours reflected on the most recent PSC form. For example, a non-exempt employee who changes from working 80 hours per pay period to 60 hours per pay period would move from Classification B to Classification C.

A Classification B employee will move to Classification C status (and lose benefits eligibility) if the employee: changes to a position of less than 74 hours per pay period; or works (including sick and annual time) less than 74 hours during 2 pay periods within 6 months. Note 1: Classification B employees with accrued annual time who work less than 74 hours during a pay period will automatically have the necessary number of annual time hours added to their hours worked for the pay period to equal the number of hours reflected on the most recent PSC form. Note 2: The HR Manager may consider extenuating circumstances when determining whether a Classification B employee will move to Classification C status due to working less than 74 hours for 2 pay periods within 6 months.

Restoring Classification B status:

- If an employee loses Classification B status due to working less than 74 hours twice during 6 months: the employee must work 74 or more hours per pay period for at least 90 consecutive days; at that point, the Human Resources Manager will return the employee to Classification B if eligibility requirements are met.
- If an employee loses Classification B status due to a voluntary reduction in hours, and subsequently returns to a 74 or more hour per pay period position: the employee must work 90 consecutive days after losing benefits before re-qualifying for Classification B status.

A Classification A or B employee who moves to a Classification C position will retain his/her accrued annual leave and will be eligible to utilize it to the extent that total work hours (including annual leave utilized) are less than 74 hours per pay period. Such an employee's accumulated sick time will be "banked" on the date the employee transfers to Classification C status, and will only become available to the employee again if/when that employee returns to benefits-eligible status as a Classification A or B employee.

5. PROMOTION/TRANSFER

Policy

ROI encourages all employees who are not on disciplinary probation to apply for a transfer or promotion when they feel they are qualified to perform a new job. The COO and/or the CEO review and have discretion to approve or deny all promotions and voluntary transfers, and may initiate and make any promotions or transfers deemed to be in the interest of ROI, the programs involved, and/or the individuals served.

Procedures

Applicants for promotion or voluntary transfer must compete with other candidates for the desired position and will follow normal application / interview / hiring protocols. Factors that determine whether ROI will honor an employee's request to promote or transfer include (but are not limited to):

- Employee's qualifications (including restrictions)
- Employee's performance
- The specific needs of the department and the particular position
- The impact on the employee's current program if the employee were to transfer
- The employee's reason for wanting to promote or transfer
- References from other ROI employees
- The employee's tenure with ROI
- The employee's interview

An employee seeking a promotion or a voluntary transfer must:

- Notify his/her current supervisor of his/her desire to apply for a different position. In the case of a voluntary transfer, the employee is encouraged to provide his/her supervisor with the reason why s/he is seeking another position.
- Contact the supervisor of the desired position to request consideration for the position.
- Arrange an appointment for an interview with the appropriate Director, if the employee seeks to promote to a supervisory position.
- In the case of applicants for administrative or supervisory positions, solicit 2 references from ROI employees who can attest to the quality of his/her job performance to date and his/her ability to perform the function(s) of the desired position. One of these 2 must be the employee's current supervisor. Note: The hiring supervisor will seek a 3rd intra-agency referral from a person of his or her choice. Intra-agency referral forms are confidential, and therefore upon completion must be forwarded directly to the person conducting the interview. The supervisor will not make a decision regarding promotion until all 3 references have been received and reviewed (but the interview process may continue while the 3 references are being returned).

Selection and Approval: The supervisor of the desired position, in coordination with the Director, will select a candidate and offer the position to the chosen person in accordance with relevant Policies and Procedures including wage guidelines. Upon acceptance, a starting date will be negotiated between the new and the current supervisors.

6. EVALUATIONS

Policy

Employee evaluations will be conducted at regular intervals to: determine probationary/employment status of employees; provide employees with corrective and reinforcing feedback to improve performance and/or acknowledge good performance; and to provide documentation for decisions regarding advancement.

Procedures

ROI will endeavor to evaluate all new employees at least three times during their first year of employment (at 60 days, six months and at one year). Thereafter, the frequency of the employee's evaluation will be determined by the employee's immediate supervisor, and in general employees will receive annual evaluations. The evaluation will assess the degree to which the employee is performing the tasks described in his/her job description, and the degree to which s/he possesses the skills, knowledge, and attitude necessary for the position. In addition, transferring or promoting employees will receive a 6 month evaluation as well as an annual evaluation during the first year.

Employee evaluations will be in writing, signed by the immediate supervisor and the employee, and routed to the relevant Director and the COO for review. The COO will route the evaluations to any proper additional reviewers, and the evaluation will then be placed in the employee's personnel file. The supervisor evaluating the employee will offer the employee a copy of the evaluation. In keeping with the Grievance Policy and Procedures, an employee may provide a written response to the evaluation which will also be placed in the employee's personnel file.

7. MERIT PAY INCREASES

Policy
Decisions regarding merit pay increases, if made available, will be based on the employee's qualifications and written evaluation, or upon criteria established in advance by agency policy. The CEO or COO must approve all merit pay increases. Please note: merit increases are a rare exception.

Procedures
None.

8. TRANSFERS NECESSITATED BY REDUCTIONS IN FORCE OR JOB ELIMINATION

Policy

In the event of a reduction in workforce or job elimination, the CEO, COO, or the relevant Director may allow or require transfers that are deemed to be in the best interest of ROI, the programs involved, and/or the individuals served. In most cases, a probationary employee will not be transferred to a position currently held by a non-probationary employee; one or more part-time employees will not be transferred to a position currently held by a full-time employee; and a full-time employee will not be transferred to a position currently held by another full-time employee with more seniority, when other factors such as job performance are equal.

Procedures

None.

C. COMPENSATION

1. WAGE AND SALARIES

Policy

ROI endeavors to offer as competitive a wage and salary schedule as our resources allow. ROI utilizes a "step" Wage Schedule for determining the wage or salary range of each position and the specific wage or salary of each employee. Each step on the Wage Schedule represents the equivalent of one full year of continuous employment with ROI. All new employees will receive pay commensurate with the step they are assigned to on ROI's current Wage Schedule, except that: all newly hired employees will receive 95% of their indicated wage until the successful completion of all training requirements.

Procedures

Employees' starting or promoting wages will be determined based on factors including, but not limited to: employment history in equivalent positions with other employers or with ROI; education level; and higher education coursework or other training relating to the work to be performed. ROI may deviate from its standard hiring or promoting wage assignment practices if the CEO determines sufficient funds are unavailable.

For new or rehired employees, the COO may approve a starting wage/salary as high as the fifth step. The CEO must approve a starting wage/salary higher than the fifth step, and must approve all staff wages for positions directly supervised by the COO.

ROI will grant each employee an additional step effective the first date of the pay period of his/her hire/rehire anniversary. A transfer to an equivalent position or one of less responsibility will not lower the step the employee is placed on within the wage or salary range of the new position. A transfer to a promoted position may result in a step-reduction at the new position level, in accordance with current Wage Schedule procedures. Current procedures are as follows:

- Staff's continuous years of service will be utilized to determine step placement: full credit for years in position promoted to, and ½ credit for years in dissimilar positions.
- Staff promoting into supervisory positions will be assigned a step resulting in at least a 5% increase or a step closest to a \$.50/hour increase, whichever increase is larger.

For newly hired staff receiving 95% of their indicated wage, they may move to 100% of their indicated wage if a required training is not offered during the probationary period, or if ROI prevents staff from taking available training. Such staff will receive 100% of the wage salary until the training becomes available; however, the staff will revert to 95% of the wage salary if the staff then misses the available training offered after moving to 100%. Note: If new staff promote prior to completing training requirements and obtaining 100% wage salary, they will promote to 95% of the promoted salary schedule wage until they successfully complete all original training requirements.

The CEO, CFO, or COO will initiate any additions or alterations to the Wage Schedule via recommendation to the Finance Committee. All wage or salary ranges for new positions, or alterations to the wage or salary of existing positions, must be approved by the Finance Committee. Newly approved Wage Schedules are included in the Administrative Manual, will be available upon request to all staff, and will rescind previous salary schedules.

2. PAY SCHEDULE AND TIME RECORDS

Policy

ROI pays staff every other Friday for the 2-week period ending at midnight the Sunday before payday. Non-exempt staff must accurately report their hours worked using the electronic timekeeping system. Paper timesheets will only be used if expressly authorized by the PC or PD; if any paper timekeeping records are used, the paper records must be turned in at the time and place specified by the PC or PD. All approved time records must be submitted to the appropriate Finance staff by the time specified in the Accounting Guidelines and Contacts. **If the above rules are not adhered to, the payment of late time records may be subject to a reasonable delay as permissible by governing laws, and payment may be made by check rather than direct deposit where relevant.**

Procedures

Supervisors must approve all time records, which includes approving the hours worked and any overtime, training, sick, or vacation usage. Approved time records are due in the Finance Office according to the time specified in the Accounting Guidelines and Contacts. The relevant supervising director will be made aware of all time records that are received late.

Holidays

When a holiday falls on a pay week, different deadlines may apply. Additionally, if staff elect to substitute holidays, or if administrative staff voluntarily work on a holiday, the approving supervisor must notify the payroll technician in writing of the pay differential involved by the time specified in the Accounting Guidelines and Contacts (e.g., the supervisors for staff who substitute a different religious holiday for Christmas, who then work Christmas, must note that the staff are not eligible for double-time payment for those hours).

Late or inaccurate time records

- **For Non-exempt staff:** If the late submission is the fault of ROI, every reasonable attempt will be made to pay that employee by Friday. Other time records and corrections to time records will be processed for the following Monday. Time records received over one week late (received after 5:00 p.m. on Friday of payroll week) will be processed with the next payroll. Expense vouchers for all employees that are received late will be treated in the same manner as all time records for non-exempt employees. All corrections to time records after they are initially submitted to Finance should be communicated and approved by the supervisor before processing.
- **For exempt staff:** ROI will pay exempt employees at their standard rate and will adjust any sick or annual time that applies during the next pay period.
- **Payment to employees when Finance makes an error calculating wages earned:** If the error is \$10 or more, payment will be made to the employee as soon as reasonably possible. If the error is less than \$10, the correction will be adjusted on the employee's next payroll payment.

Exceptions to these procedures require the approval of the CFO or CEO.

3. PAYROLL DISPUTES

Policy

ROI is committed to an equitable workplace including fairness in matters of wages and compensation, and will comply with all state and federal laws regulating the payment of wages. If an employee perceives that ROI has made mistakes regarding classification (i.e., the wage schedule step designated for the employee) and/or wages or deductions, the employee may grieve utilizing the complaint process set forth in the procedures below.

Procedures

ROI will correct mistakes in this regard, including adjustment of prior payments, when warranted. An employee may elect to informally present a complaint to the payroll technician or the Accounting Manager for payroll issues, or to the HR Manager for wage classification issues; or the employee may follow the more formal complaint process, which is as follows:

- The employee files a written complaint with the CFO for disputes concerning payroll, or with the COO for disputes concerning wage classification.
- The CFO or COO responds to the employee within 2 working days acknowledging that the complaint has been received and that it is being investigated.
- The CFO or COO initiates an investigation within 1 week.
- The CFO or COO makes a decision, prepares a written response to the employee, and communicates the outcome to the employee in a meeting within 1 week of concluding the investigation.
 - If the complaint is substantiated and ROI has been paying wages incorrectly, remedy will be made as soon as practicable, which may include correction of past wages and/or correction of exempt/non-exempt status. In general, and to the extent permissible by applicable law, wage scale classification changes will be effective going forward, but retroactive pay will not be made.
 - If the complaint is not substantiated, the CFO or COO will explain the determination with the goal of full understanding.
- If the employee is still not satisfied with the results of the determination, the employee may consider the option of ROI's Grievance Policy and Procedures.

4. HOLIDAY PAY

Policy

ROI pays non-exempt employees **one and one-half times** their regular hourly wage for working during the times and dates specified below:

- Easter Sunday (12:00 a.m. - 11:59 p.m.)
- Memorial Day (12:00 a.m. - 11:59 p.m.)
- Fourth of July (12:00 a.m. - 11:59 p.m.)
- Labor Day (12:00 a.m. - 11:59 p.m.)
- Thanksgiving Day (12:00 a.m. - 11:59 p.m.)

ROI pays non-exempt employees **two times** their regular hourly wage for working during the times and dates specified below:

- January 1 (12:00 a.m. - 11:59 p.m.)
- December 24 (3:00 p.m. - 11:59 p.m.)
- December 25 (12:00 a.m. - 11:59 p.m.)
- December 31 (3:00 p.m. - 11:59 p.m.)

Procedures

The ROI administrative offices will be closed on dates and times that involve holiday pay, and all ROI staff must utilize annual time to be paid for time taken off. Administrative staff may voluntarily elect to work on the above-mentioned holidays during office closures, if such an arrangement is agreeable to the staff's supervisor; however, in such cases, the administrative staff will not be paid at the higher holiday pay hourly rate described above. If administrative staff are required to work the holidays due to administrative office demands, hours worked will be paid at the higher holiday pay hourly rates. If administrative staff voluntarily work on a holiday, the approving supervisor must notify the payroll technician in writing of the pay differential involved by the time specified in the Accounting Guidelines and Contacts.

As consistent with an employee's personal religion, an employee who does not celebrate the aforementioned religious holidays (Easter Sunday, December 24th, and December 25th) may designate up to 2 days per calendar year as alternative religious holidays eligible for "holiday" pay. Staff who elect to designate alternative holidays must do so by submitting the designation in writing to the HR Manager in advance of any holidays they are requesting to substitute. This designation will remain in place for 1 full-year. One day is eligible for payment at 1½ times the employee's regular hourly wage, and 1 day is eligible for payment at 2 times the employee's regular hourly wage. If an employee substitutes a religious holiday, the employee would not receive "holiday" pay for ROI's specified religious holiday. The staff is responsible to inform on his/her supervisor of which days are to be paid at holiday rate, consistent with the previously authorized alternative religious holidays schedule. The approving supervisor must notify the payroll technician in writing of the pay differential involved by the time specified in the Accounting Guidelines and Contacts.

5. MILEAGE AND OTHER CUSTOMARY BUSINESS EXPENSE REIMBURSEMENTS

Policy

ROI will reimburse eligible mileage consistent with the applicable agency mileage rate; ROI will also reimburse eligible Customary Business Expenses (as an example, business-related travel expenses) consistent with ROI's current financial reimbursement policies.

Procedures

ROI will not reimburse expenses accrued more than 3 months prior to submission of an expense voucher without the CFO's explicit approval.

6. SALARY INCREMENTS

Policy

ROI will provide available cost of living or pay increases as soon as such pay increases are possible, including the use of retroactive payment if possible.

Procedures

The CFO and CEO, in conference with the Finance Committee, shall prepare an annual budget encompassing a figure of salary increments, and present the budget to the Board for approval. Funds available for salary increments can be utilized on an automatic and a merit basis. The CEO shall present to the Board a system whereby the funds will be utilized to include:

- The proportion to be expended on an automatic and/or merit basis.
- A system whereby merit increments would be awarded if proposed.

7. OVERTIME

Policy

ROI will reimburse non-exempt staff for all overtime worked in keeping with relevant local, state, and federal laws. Non-exempt employees shall receive overtime pay (1.5 times the regular rate of pay) for all time worked over 40 hours per workweek (Monday through Sunday).

Procedures

All ROI Staff:

- Supervisors must approve and authorize overtime hours worked.
- If overtime becomes limited across the agency, priority for overtime hours will be given to staff who best meet the needs of the open hours. If further limiting is necessary, ROI may give overtime to staff based on factors including tenure and performance.

Program Staff:

- Unassigned program work hours are first available to non-overtime program staff. If non-overtime program staff do not fill, the hours shall next be submitted to the Relief Coordinators to be filled with available non-overtime Relief Staff. Shifts that remain open, after the Relief schedule is submitted and returned, are then offered to non-overtime agency staff.
- If Relief Staff or other non-overtime staff are not available to fill a shift, overtime hours may become available. Overtime hours can also result if: a particular shift **MUST BE** filled by the program's staff or a specifically trained/experienced staff **and** no non-overtime staff is available; a behavioral, medical, personnel crisis occurs; the shift must be filled in less than 72 hours; staff no-shows that require other staff to stay; training obligations produce unavoidable overtime needs; or ongoing shifts are pre-scheduled to result in overtime due to a specific program need. Overtime staff may be "bumped out" of overtime shifts in favor of non-overtime staff up until 72 hours prior to the shift.
- Program and Relief staff may only pick up any additional hours outside the ones identified in their PSC by going through the Relief Coordinators. PCs may only contact other program or relief staff concerning working shifts at the Relief Coordinators' direction or in an emergency. An emergency is defined as less than 72 hours prior to the scheduled shift or during the weekend.
- The Payroll Technician will generate an "over-100 hours" list, which will detail hours worked by staff who worked more than 100 hours in the previous pay period. The PDs and Relief Coordinators will review the over-100 hours list to ensure that the staff identified by the list are receiving their hours in the manner described by this system. This will ensure that staff are utilized in the manner most beneficial to the greater good of the entire agency. Habitual offenders (DSPs or supervisors) may receive disciplinary action for violating the overtime scheduling system.

8. BONUS PLAN

Policy

ROI will provide its current fiscal year bonus policy to all staff. ROI makes no promises that it will be able to distribute bonuses in any given fiscal year.

Procedures

None.

D. TIME OFF

1. ANNUAL LEAVE

Policy

Classification A and B employees accrue annual leave based on their employment classification. Classification A and B employees are eligible to accrue annual leave if they are off probation, have worked for ROI for 6 months, and have worked at least 802 hours. Classification C employees do not accrue annual leave.

Note: Aside from sick leave, all paid days off require use of annual time. This includes, for example, paid leave for either vacation or holiday. Annual leave is always paid at a regular, non-overtime pay rate.

Procedures

Classification A employees accrue annual leave pay at a rate of .119 hours multiplied by the number of hours hired to work per payroll as specified on the current PSC form. As an example, a classification A employee hired to work 80 hours per week accrues 9.52 hours of annual leave per payroll. Annual time is paid at the staff's wage rate at the time the benefit is used.

Classification B employees accrue annual leave pay at a rate of .081 hours multiplied by the number of hours worked up to the number of hours hired to work per payroll as specified on the current PSC form. As an example, a classification B employee hired to work 80 hours per payroll accrues 6.48 hours of annual leave per payroll. Annual time is paid at the staff's wage rate at the time the benefit is used.

For every 5 years of continuous employment, an additional .008 hours shall be added to the accrual rate. For example:

- For 5 years or more of continuous employment, but less than 10 years: .008 hours shall be added to the base accrual rate; for 10 years or more of continuous employment, but less than 15 years: .016 hours shall be added to the base accrual rate; etc.

Employees may not accrue annual leave in an amount that exceeds 348 hours, unless special and temporary permission is requested by the employee in writing and granted by the COO in writing. For employees who have accrued more than the maximum amount prior to the inception of this cap, or for those employees who accrue more than the maximum under any subsequent changes to the cap (for example, if the cap is reduced), those employees may keep the additional annual time already accrued. However, they will not accrue any additional annual time until their accrued time falls below the cap.

Supervisors have discretion to approve requests for annual leave, and may establish in-program procedures for obtaining prior approval for use of annual time. To be approved as annual time, the shift must be a regularly scheduled shift in a program defined by the current PSC on file, rather than an extra shift picked up at the program or through Relief. Annual time may only be approved up to the number of hours specified on a PSC, and not be summed with regular work hours to result in overtime pay.

Annual time may not be used: if you have not requested it; if it is not approved; if you do not have the available accrual; if you have not followed all of the procedures identified above; if it is not a regularly scheduled shift in the identified program; or during the notice period of your resignation as an

employee in good standing.

If FMLA leave has been exhausted and employee HAS available annual time: In the event that an employee has exhausted FMLA leave, and has annual time available, the COO has discretion to award an approved leave of absence to employees who are not medically released to return to work during which the employee may utilize remaining annual leave IF: the employee was not the recipient of discipline level of warning or above during the 12 months preceding FML leave; and the employee had worked at ROI for at least 3 years preceding FML leave. Employees must exhaust available sick time before annual time during such extended non-FML medically-necessary leaves.

Any EXCEPTIONS require an additional level of written approval from the relevant Director or the CEO.

2. SICK LEAVE

Policy

Classification A and B employees accrue sick leave based on their employment classification. Classification A and B employees are eligible to accrue sick leave if they are off probation, have worked for ROI for 6 months, and have worked at least 802 hours. Classification C employees do not accrue sick leave.

FMLA protections may be available for certain sick leaves. Please see ROI's separate FMLA policy for information on such leaves.

Procedures

Classification A and B employees accrue sick leave pay at a rate of 0.05 hours multiplied by the number of hours hired to work per payroll as specified on the current PSC form. As an example, an employee hired to work 80 hours per payroll accrues 4 hours of sick time per payroll. Sick time is paid at the staff's wage rate at the time the benefit is used.

Employees may accrue a maximum amount of sick leave equal to the length of time required as a waiting period for Long Term Disability benefits. As an example, if Long Term Disability benefits begin after a 6-month waiting period (as under ROI's current plan), then sick leave is "capped" at 6 months. For employees who have accrued more than the maximum amount prior to the inception of the sick leave cap, or for those employees who accrue more than the maximum under any subsequent changes to the cap (for example, if the cap is reduced from 6 to 3 months), those employees may keep the additional sick time already accrued. However, they will not accrue any additional sick time until their accrued time falls below the cap.

Employees may utilize sick leave for any of the following:

- Illness or injury to employee or family member for whom the employee is responsible for care. "Family" shall include the employee's spouse/domestic partner*, their children, their parents, their siblings and may also include other persons for whom the employee is responsible for care.
- Exposure to contagious diseases endangering others.
- Appointments for the employee or family member with doctors, dentists, or mental health practitioners when it is not possible to arrange such appointments during non-working hours.

Supervisors have discretion to approve requests for sick leave, and may establish in-program procedures for obtaining approval for use of sick time. Employees are expected to report to work unless they have been approved for a leave. In the event of an illness, employees must contact their supervisor to be approved for use of sick time; please note, leaving voicemails does not suffice as "contacting" a supervisor. In the event of a multiple-day illness, employees may be required to call their supervisor each day of the sick leave.

Supervisors reserve the right to request a sick note from the employee's Health Care Provider to verify an illness, to verify ability to return to work, and/or to verify the anticipated duration of illness. If requested to do so, employees must provide a doctor's written verification. Failure to make diligent effort to notify the supervisor or to provide a note when requested to do so may result in loss of sick-leave pay and the absence being classified as a no-show.

To be approved as sick time, the shift must be a regularly scheduled shift in a program defined by the current PSC on file, rather than an extra shift picked up at the program or through Relief. Sick time may only be approved up to number of hours specified on a PSC, and may not be summed with regular work hours to result in overtime pay. If an employee's sick leave exceeds the number of sick leave hours accrued, the employee may request to use any annual leave hours accrued.

Sick time may not be used: if you have not requested it; if it is not approved; if you do not have the available accrual; if you have not followed all of the procedures identified above; if it is not a regularly scheduled shift in the identified program; if the request does not meet the criteria of sick time; during the notice period of your resignation as an employee in good standing; or when you have previously arranged for vacation/annual time for the same period of time. Please note, sick time is not paid out upon separation from employment with ROI.

If FMLA leave has been exhausted and employee HAS available sick time: In the event that an employee has exhausted FMLA leave, and has sick time available, the COO has discretion to award an approved leave of absence to employees who are not medically released to return to work during which the employee may utilize remaining sick leave IF: the employee was not the recipient of discipline level of warning or above during the 12 months preceding FML leave; and the employee had worked at ROI for at least 3 years preceding FML leave. Employees must exhaust available sick time before annual time during such extended non-FML medically-necessary leaves.

* "Domestic Partner" means that the ROI staff and his / her partner: are both 18 years of age or older; have resided together for at least 12 consecutive months and intend to reside together indefinitely; are each other's sole domestic partner; are not married to anyone else; have not had any other domestic partner within the past 12 months; are not related by blood closer than would otherwise prohibit legal marriage in Michigan; are financially interdependent, as demonstrated by, e.g., joint bank accounts, joint credit cards, joint ownership of residence, household expenses, granting power of attorney, or designating each other as sole beneficiary / executor; and are jointly financially responsible for basic living expenses.

3. FAMILY AND MEDICAL LEAVE

Policy

ROI complies with the Family and Medical Leave Act, and encourages eligible employees to utilize this benefit. Due to its length, the FMLA Policies and Procedures are included as Appendix 1.
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Procedures

See Appendix 1.

4. MILITARY SERVICE

Policy

ROI is committed to protecting the job rights of employees absent on military leave. In accordance with all applicable federal, state, and local laws, including USERRA, it is ROI's policy that no employee or prospective employee will be subjected to any form of discrimination on the basis of membership in or obligation to perform service for any of the Uniformed Services of the United States. Specifically, no person will be denied employment, reemployment, promotion, or other benefit of employment on the basis of such membership or obligation. Furthermore, no person will be subjected to retaliation or adverse employment action because such person has exercised his or her rights under this policy.

Employees directed to participate in military duties in the U.S. Armed Forces will be placed on an unpaid military leave of absence status for a period of as long as five years and will be entitled to the rights and benefits described below, subject to the procedures outlined below.

Procedures

Pre-Leave Notice: The employee will provide his or her immediate supervisor with notice (either verbal or written) that the employee will be engaging in military service. ROI requests employees to provide such notice as soon as they have knowledge of upcoming military service.

While on Military Leave: Employees may, *at their option*, use any or all accrued annual leave during their absence. Eligible employees will have the right to continued health insurance coverage during all or part of uniformed service and to immediate reinstatement of health insurance upon return to work. ROI will continue health insurance coverage for the first 31 days of uniformed service and offer COBRA to all eligible employees following that time. Returning employees will be eligible for immediate reinstatement of insurance coverage if the insurance is discontinued during military service. Employees will not accrue annual or sick leave while on military leave of absence status. Time in military service will be counted as full employment and full attendance for purposes such as the ROI Bonus, 403(b) plan vestment, and Family and Medical Leave.

Return to Work: When the employee intends to return to work, he or she must make notification of reinstatement to Human Resources.

Reinstatement:

- Upon an employee's application for reinstatement, the employee will be reinstated to employment in the following manner depending upon the employee's period of military service:
 1. Employees on leave for 90 days or less shall be entitled to reinstatement to the position of employment they left, with their seniority, status, and pay adjusted for any pay increases or other benefits they would have earned if they had remained on the job.
 2. Employees on leave greater than 90 days may or may not be reinstated to the same position. However, they will be reemployed in a job of like seniority, status and pay that takes into account any pay increases or other job changes they would have been eligible

for if they had remained on the job.

- **Time frame:** The time frame for requesting reemployment is linked to the amount of time the employees were away from the job. Employees who serve 180 days or longer have 90 days after discharge to request reemployment; employees who serve 179 days or less have 14 days after discharge to request reemployment. Note: Employees who are unable to report within these time limits may be entitled to additional time. Time limits may be extended for up to two years if an individual is hospitalized or convalescing from an injury related to Uniformed Services Duty.
- **For Employees with a service-connected disability:** if, after reasonable accommodation efforts by ROI, an employee with a service-connected disability is not qualified for employment in the position he or she would have attained or in the position that he or she left, the employee will be employed in (i) any other position of similar seniority, status and pay for which the employee is qualified or could become qualified with reasonable efforts by ROI; or (ii) if no such position exists, in the nearest approximation consistent with the circumstances of the employee's situation.
- **Exceptions to Reinstatement:** In addition to an employee's failure to apply for reemployment in a timely manner, an employee is not entitled to reinstatement as described above if any of the following conditions exist:
 1. ROI's circumstances have so changed as to make reemployment impossible or unreasonable.
 2. The employee's employment prior to the military service was for a non-recurrent period and there was no reasonable expectation that the employment would have continued indefinitely or for a significant period.
 3. The employee did not receive an honorable discharge from military service.
- **Documentation:** As part of the reinstatement process, Human Resources will request that the employee provide ROI with military discharge documentation (DD-214) that establishes the length and character of the employee's military service.

5. JURY DUTY

Policy

All employees are encouraged to serve when called for jury duty, and employees called for jury duty shall be granted a leave of absence to serve.

Procedures

If jury duty occurs during scheduled work shift(s), the employee is eligible to receive supplemental pay. Employees will receive supplementary pay to their jury fee to equal the amount of regular pay they would have received for their scheduled shift(s).

Employees seeking supplemental pay may either: sign over their jury duty reimbursement check (less any mileage reimbursed) to ROI, in which case ROI will issue a paycheck for regular wages; or submit a request for reimbursement of supplemental wages, and provide Finance with a copy of the jury duty paycheck received. Employees should fill out their time records per regular procedures, but should note on the time record that they participated in jury duty on the relevant dates.

6. BEREAVEMENT LEAVE

Policy

Employees hired under Classification A or B are entitled to bereavement leave as follows: For the death of a family member an employee may be entitled to a paid leave of up to 5 working days upon approval of the Supervisor. Additional bereavement leave without pay may be granted at the discretion of the relevant Director. For the purpose of this policy, family shall include the employee's spouse/domestic partner*, children, parents, siblings, and maybe other family members. For the death of others, an employee may be granted one day of paid leave upon approval of the Supervisor. Additional leave without pay may be granted at the discretion of the relevant Director. Annual leave may be utilized with supervisory approval for unpaid bereavement leave days.

ROI also grants Classification C employees bereavement leave as stipulated above, but pays these employees based on the average hours worked per day for the previous eight-week period.

* "Domestic Partner" means that the ROI staff and his / her partner: are both 18 years of age or older; have resided together for at least 12 consecutive months and intend to reside together indefinitely; are each other's sole domestic partner; are not married to anyone else; have not had any other domestic partner within the past 12 months; are not related by blood closer than would otherwise prohibit legal marriage in Michigan; are financially interdependent, as demonstrated by, e.g., joint bank accounts, joint credit cards, joint ownership of residence, household expenses, granting power of attorney, or designating each other as sole beneficiary / executor; and are jointly financially responsible for basic living expenses.

Procedures

Bereavement leave may not be summed with actual work hours to result in overtime pay. The employee must give his/her supervisor notice of intended bereavement leave, and the employee's immediate supervisor may request a copy of the obituary from the employee. The employee on bereavement leave is not responsible for scheduling relief staff to work their shifts in their absence. Employees should fill out their time records per regular procedures, but should note on the time record that they were on bereavement leave on the relevant dates.

7. LEAVE WITHOUT PAY

Policy

7 days and under- Supervisors, at their discretion, may grant their staff up to 7 days of unpaid leave for any compelling reason.

Over 7 days - The COO and/or the CEO, at their discretion, may grant any employee more than 7 days of unpaid leave for any compelling reason.

Procedures

7 days and under- To obtain approval for an unpaid leave of absence of up to 7 days, the employee must submit a request to his/her supervisor prior to the time of the anticipated leave for approval or as soon as practicable in the event of an emergency.

Over 7 days - To obtain approval for an unpaid leave of absence of more than 7 days, the employee must submit a written request to the COO. The COO will submit a written response in return, a copy of which will be placed in the personnel file.

- In the event that an employee has exhausted FMLA leave, and has no sick or annual time available, the COO has discretion to award an additional unpaid 1-week leave per year of employment tenure to any staff who was not the recipient of discipline level of warning or above within the past 12 months and who has worked at ROI for at least 5 years. As an example, the COO may approve an additional 10 weeks of unpaid leave for an employee with 10 years of tenure with ROI, who has exhausted all FMLA, sick, and annual time and who does not have a disqualifying discipline record.

8. PROFESSIONAL ACTIVITIES

Policy

All employees are encouraged to join and participate in professional organizations that will contribute to their professional development.

Procedures

Requests to attend conferences should be made in writing to the respective supervisor for review. Supervisors have discretion to approve conference requests, and will evaluate such requests in light of factors to include:

- Whether the conference will benefit the employee's job knowledge or skills.
- Availability of funds.
- Priority in terms of past requests for leave and/or funds.

Financial support may include:

- Cost of registration (excluding individual membership fees).
- Per Diem expenses (food, lodging) at rate set for the budget year.
- Transportation.

9. REQUIRED TRAINING

Policy
All employees who are required by State Rules, Agency or Mental Health Policy to engage in in-service training for their current position shall do so at the required frequency; ROI will subsidize or reimburse expenses in keeping with ROI's current Customary Business Expense Reimbursements policies and procedures. Please note, ROI will not subsidize or reimburse training expenses for certifications, etc. that are not required for the employee's current ROI position.

Procedures
None.

E. EMPLOYEE BENEFITS

1. DISCLAIMER

Policy

ROI has established a variety of employee benefit programs designed to assist you and your eligible dependents in meeting financial burdens. This portion of the Policies and Procedures contains a very general description of the benefits to which you may be entitled as an employee of ROI. To the extent that any of the information contained in these Policies and Procedures is inconsistent with the official plan documents, the provisions of the official documents will govern in all cases.

Procedures

Please understand that this general explanation is not intended to, and does not, provide you with all the details of these benefits. Therefore, these Policies and Procedures do not change or otherwise interpret the terms of the official plan documents. Your rights can be determined only by referring to the full text of the official plan documents, which are available from the Human Resources Department. For more complete information regarding any of our benefit programs, please contact the Human Resources Department or refer to the Summary Plan Descriptions. If you lost or misplaced those descriptions, please contact the Human Resources Department for another copy.

Please note that nothing contained in the benefit plans described herein shall be held or construed to create a promise of employment or future benefits, or a binding contract between ROI and its employees or their dependents, for benefits or for any other purpose. All employees shall remain subject to discharge or discipline to the same extent as if these plans had not been put into effect. As in the past, ROI reserves the right, in its sole and absolute discretion, to amend, modify or terminate, in whole or in part, any or all of the provisions of the benefit plans described herein. Further, ROI reserves the exclusive right, power and authority, in its sole and absolute discretion, to administer, apply and interpret the benefit plans described herein, and to decide all matters arising in connection with the operation or administration of such plans.

All employees will be covered by Unemployment Insurance and Workers' Compensation in accordance with any relevant local, state, and federal laws and regulations. Employees may need to take specific steps to qualify for coverage, also in accordance with any relevant local, state, and federal laws and regulations.

2. INSURANCE

Policy

ROI currently offers eligible Classification A and B employees medical, vision, life, long term disability, and dental health insurance coverage under a point of service plan. Classification A and B employees are eligible to participate in ROI's shared premium insurance plans once they have reached a 90 day tenure in their employment and have worked at least 360 hours. Classification C employees do not qualify to participate in ROI's shared premium insurance plans.

Procedures

Employees have up to 30 days from their benefits eligibility date to make shared premium insurance plan elections. Once made, the election is generally fixed for the remainder of the plan year. However, if an employee experiences a qualifying event (as defined in the Plan document), the employee may make a mid-year change in coverage, provided they do so within 30 days (or, in some situations, 60 days may apply) from the date of the qualifying event. During open enrollment, employees are free to change insurance elections for the following benefit year, whether or not they experience a qualifying event. ROI offers benefits-eligible employees basic group term life policy which includes an accidental death and dismemberment policy. Each policy generally pays a death benefit equal to the employee's annual earnings based on the most recent PSC form.

3. FLEXIBLE SPENDING ACCOUNT

Policy

As part of ROI's Benefits Plan, we currently offer an employee-funded Flexible Spending Account to benefits-eligible Classification A and B employees. At the time of initial benefits-eligibility, and additionally just before the beginning of each calendar year, plan participants may elect an annual amount of flexible dollars (which will be deducted pro rata on a pre-tax basis from each payroll) to pay for eligible health and/or child-care expenses.

Procedures

To receive reimbursements, staff need to complete the BASIC Flex Reimbursement form, attach supporting documentation/receipts, and submit the Reimbursement form to the Payroll Technician. The payroll technician will review all receipts for eligibility and to ensure the employee has plan funds to cover the expenses. The CFO and/or the Accounting Manager must approve forms and receipts prior to disbursement.

- **For payweek reimbursements:** All completed forms and accompanying receipts must be submitted to the payroll technician by the time specified in the Accounting Guidelines and Contacts.
- **For non-payweek reimbursements:** All completed forms and accompanying receipts must be submitted to the payroll technician by the time specified in the Accounting Guidelines and Contacts. If the employee is requesting a separate check (which would be necessary to obtain a check during a non-payweek), the employee must write the request on the form or convey this information directly to the payroll technician.

4. 403(B) PLAN

Policy

ROI offers a voluntary pre-tax salary deduction plan in which all employees may elect to participate beginning with the first payroll period administratively feasible after employment. Employee deferrals may be changed or canceled at any time.

Procedures

For Plan or enrollment information, please see the Employee Benefits and Administrative Support Specialist.

5. WORKER'S COMPENSATION

Policy

ROI is covered under and complies with statutory State Workers' Compensation Laws.

Procedures

Should an employee sustain a work-related injury, s/he must immediately notify the relevant supervisor and s/he or the supervisor must notify the Employee Benefits and Administrative Support Specialist. Should the injury require the attention of a doctor, the supervisor or the Employee Benefits and Administrative Support Specialist will direct the employee to an appropriate treatment option. In the case of an emergency, the employee should go to the designated hospital emergency room for treatment and then contact the Employee Benefits and Administrative Support Specialist for additional treatment options. If the employee is unable to use a designated treatment location, the Employee Benefits and Administrative Support Specialist should be notified as soon as practicable.

6. EMPLOYEE ASSISTANCE PROGRAM ("EAP")

Policy

ROI offers a voluntary service that provides professional information, counseling, and referral services to all benefits-eligible employees and their enrolled dependents that may be experiencing personal stress in their lives.

Procedures

The EAP provides unlimited telephone counseling sessions as well as 3 in-person counseling sessions with a local counselor (or, in the case of legal or financial topics, one 30-minute session with an attorney or CPA) without cost to benefits-eligible employees. To connect to a WorkLifeMatters counselor for free support services, benefits-eligible employees may call (800) 386-7055, 24 hours per day, 7 days per week.

Issues addressed through WorkLifeMatters may include:

- Depression
- Alcohol / drug abuse
- Stress
- Legal Matters
- Family Relationships
- Parenting
- Child care
- Finances
- Education

F. ON THE JOB

1. EXCEPTIONS TO PERSONNEL POLICIES AND PROCEDURES

Policy

The CEO may authorize exceptions to Personnel Policies and Procedures for individual employees when just cause can be shown for the exceptions. No exceptions will be made from Policies and Procedures concerning: Harassment/Discrimination, Employment Discharge, Discipline, or Grievances.

Procedures

The CEO may ask for documentation regarding extenuating circumstances, necessitating exceptions, etc. All exceptions will be reviewed and approved by the Program and Personnel Committee.

2. ATTENDANCE, PUNCTUALITY, AND DEPENDABILITY

Policy

It is vitally important that ROI employees attend work as scheduled. Dependability, attendance, punctuality, and a commitment to do the job right are essential at all times. As such, employees are expected at work on all scheduled work days and during all scheduled work hours and to report to work on time.

Procedures

Employees are expected to report to work unless they have been approved for a leave, and all employees must notify their supervisor as far in advance as possible, in accordance with program protocols, if they expect to be late or absent. This policy applies for each day of his/her absence. Note: leaving a voicemail or e-mail does not suffice as “contacting” or “notifying” a supervisor of an expected absence or tardy unless specific program protocol indicates otherwise.

In some situations where employees reporting to work are not relieving other staff of duties, employees who are tardy may be permitted to make up time at the end of their shifts. If make-up time is permitted, the employee may or may not be considered tardy for that shift based on the arrival time, depending on department / program protocols.

ROI may consider an employee who does not report to work, and who fails to contact his/her immediate supervisor, to have voluntarily resigned. Supervisors keep a careful record of absenteeism and tardiness, which becomes part of the personnel record. To the extent permitted by law, absenteeism and tardiness lessen an employee's chances for advancement and may result in disciplinary action, up to and including discharge.

3. TOBACCO USE

Policy

Employees may not use tobacco products inside any ROI worksite or in any ROI van. Further, employees will not use tobacco products in any vehicle while transporting individuals served. During work hours, ROI staff must adhere to Michigan's Smoke Free Law, which prohibits smoking in most public places, including worksites.

Procedures

We recognize that, while many employees choose to use tobacco products (including but not limited to cigarettes and chewing tobacco) and ROI cannot require them to cease, we do have a responsibility to maintain: a clean, safe home environment for individuals we serve; a clean, safe work environment for all employees, and ROI's positive, professional reputation. Therefore the following conditions apply to using tobacco products while engaged in ROI business:

- **In the presence of individual served:** ROI staff are not permitted to use tobacco products at any time in any ROI facilities or vehicles (offices, homes, and vans) or in privately owned vehicles while transporting or in the direct proximity of individuals served (regardless of whether the individual served is a tobacco user). The only exception to this rule is that: outside of vehicles and facilities, an individual served may specifically and proactively choose to be in the presence of the staff using tobacco, and in such cases the staff may use tobacco in the direct proximity of the individual served.
- **At ROI program sites:** Staff who use tobacco products while on shift may do so in the designated tobacco area outside. So that a professional appearance is maintained, staff should make every attempt not to be in view of the general public. Staff who use tobacco are expected to maintain a safe, clean and attractive living and working environment by cleaning the area in which they use tobacco products of cigarette butts, ashes, spittoons etc. To ensure the safety of the residents, and to maintain the appropriate resident-to-staff ratio, only one direct care staff may take a "tobacco break" at a time, and that person must strictly follow site policy for supervision during tobacco breaks.
- **At ROI office building:** An employee who uses tobacco products may do so in the designated outdoor location, but will not expose an individual served to his/her secondary smoke or other harmful tobacco byproducts. Administrative staff will ensure departmental coverage during tobacco breaks.
- **In public settings:** While in public settings (e.g. a mall, a doctor's office, or a park) ROI employees will adhere to the tobacco policy of the facility where s/he is at the time, but will not expose an individual served to his/her secondary smoke or other harmful tobacco byproducts.

Employees may be further restricted at any site by the program rules that address tobacco. While on duty, "tobacco breaks" will not exceed 5 minutes, and will be limited to one such break every 2 hours.

4. DRESS CODE

Policy

Employees are a reflection of ROI to the individuals we serve, to individuals' families and friends, and to the public. Accordingly, ROI employees are expected to maintain a professional appearance while at work. The appearance of each employee should be suitable for the work to be performed, the settings in which it will be performed, and the role of each employee as a representative of ROI.

Procedures

All employees are expected to maintain high standards of neatness, cleanliness, and personal hygiene at all times while performing ROI work. All employees, while at work, are expected to meet the professional appearance standards of their work role, and clothing should reflect favorably upon ROI with family members, guardians, and in community settings. Any employee unsure of his/her appearance is encouraged to seek the counsel of their supervisor.

Clothing and hair must be neat and clean, must not interfere with an employee's ability to perform work, and must not present safety risks to the employee or others in the work environment. Fragrances should be used sparingly and respectfully; wearing cologne or perfume may be prohibited in instances where an employee is working with or near an individual with physical sensitivities to cologne or perfume. Jewelry (and body piercings) is not to be worn when it presents safety risks from pulling, ripping, and/or scratching. Tattoos, apparel, or other imagery sources that depict violence, discrimination, sexual, or offensive pictures, statements, or slogans must be covered.

Clothing must meet the standards set forth by the specific program or department. For programs / departments that permit "casual" wear, "casual" includes: jeans and T-shirts; shorts no more than four inches above the knee; and footwear to safely protect entire foot based on needs of program/department and work expected to be done.

The following clothing is NOT acceptable for any ROI staff: tank tops worn with no other shirt or under garment; skirts that are more than three inches above the knee; clothing that exposes underwear, breasts, hips, stomach (halter, tube tops, tanks, muscle shirts); pajama-style clothing; medical clothing, such as "scrubs;" or ripped and torn clothing.

**ROI reserves the right to determine if the appearance standards are met by employees at all times. An employee may be directed to leave work by a supervisor or director until the standards are met; the employee will not be paid for that time, nor may annual or sick time be used for that time. Failure to comply with this policy may result in disciplinary action, up to and including discharge from employment.

5. MOBILE DEVICES AND PERSONAL PHONE USE

Policy

These guidelines are applicable to all employees in all areas of ROI operations. ROI exists to meet the needs of the individuals we serve. It is not possible to implement ROI's mission, vision, and values, unless staff are fully present, emotionally and physically, while at work, regardless of which job within the agency we are fulfilling. Therefore, the use of electronic communications devices by employees while at work is allowed only with the express permission of a supervisor. The basic responsibilities at work are about work; personal use of mobile devices detracts from work, is impolite, and violates ROI's professional standards. The use of mobile devices is not a benefit of employment.

Violating this policy may result in disciplinary action, up to and including discharge from employment.

Procedures

Mobile devices include, but are not limited to, cell phones, iPods, PDAs, laptops, and MP3 players. Activities associated with mobile devices include, but are not limited to, answering cell phones, initiating calls, text messaging, listening to music using devices with headphones, and using internet communication from personal apparatus.

These Policies and Procedures also apply to all trainings and meetings that staff may attend. Training is part of work as is attending meetings within ROI, with collaborative agencies, and with people in the community. Prior to trainings and meetings, it is expected that any mobile devices be turned off or set to silent or vibrate in keeping with meeting expectations.

Supervisors have the right to direct staff to keep mobile devices turned off and/or not allow them at program/department/training/meeting sites. Supervisors have no obligation to provide time for their use. Supervisors also may institute site-specific limitations on phone or mobile device uses, and staff must adhere to stricter site protocols where applicable. Breaks may be used for this purpose with the understanding that employees are paid for breaks and are available for work if needed. If there is a crisis or impending problem outside of work for which an employee requires a mobile device, a supervisor should be informed so that problem solving can be done to accommodate special needs that may arise.

ROI prohibits the use of mobile devices while driving or when in a vehicle while working. This includes driving an ROI-owned vehicle or a personal vehicle, whether or not an individual served is present. Employees may not use mobile devices while driving for work, which for purposes of these guidelines means if they are being paid for the time.

Frequency and Length of Calls: The time at work is to perform the assigned work. ROI understands that employees will receive and make telephone calls; it is expected that the calls are short, infrequent and do not interrupt work. If staff answers a personal phone call, it is expected that they will: screen the call, keep it short, and end the call. No call should exceed 5 minutes. Incoming calls are not an excuse from work, and calls may not be answered in the middle of a job that cannot or should not be interrupted (e.g., most job duties involving direct support). Calls may be made, within the guidelines, when there is a lull or break in work. If a supervisor or another staff person is present, staff should check to see if it is an appropriate time to make or accept a call.

If there is a crisis or impending problem outside of work, staff may ask a supervisor for permission to utilize their cell phone more than usual. This will allow the supervisor to help staff in this situation and prevent disciplinary problems; however, the supervisor has discretion to permit or deny mobile device use.

Safety Issues preclude all others. Phone use while working can present safety risks to the individuals served and can cause distractions to employees, which can cause harm. Safety concerns must be made a priority at all times.

6. ELECTRONIC COMMUNICATION

Policy

ROI provides the means for electronic communication and has the right to retrieve and monitor information maintained on systems that it owns and/operates. The confidentiality of any e-mail message and voice mail message should not be assumed. Further, internal and external e-mail messages are considered business records and may be subject to discovery in the event of litigation. Be aware of this when sending e-mail within and outside of ROI.

The personal use of electronic communications in the workplace is a privilege. Employees whose use is suspected to be inconsistent with the Electronic Communication Policy and Procedures may be further monitored and/or restricted from personal use of electronic communications, and/or subject to disciplinary action up to and including discharge from employment.

Procedures

ROI encourages employees to explore the work-related resources available on the Internet while using discretion in accessing sites. ROI prohibits employees from utilizing sites or reading/sending email that include: disparaging, abusive, profane or offensive language, or materials that would adversely or negatively reflect upon ROI or be contrary to the best interests of ROI. ROI also prohibits employees from engaging in any illegal activities through ROI's work-related electronic resources, including but not limited to piracy, cracking, extortion, blackmail, copyright infringement, or unauthorized access to any computers.

Employees may only use electronic communications for personal use during appropriate times, e.g., during breaks. Examples of inappropriate times, during which employees may not engage in personal use, include: while performing a job duty that cannot or should not be interrupted (e.g., most job duties involving direct support); while interacting with an individual served; and during a training session, meeting or other formal communication session.

Internet and e-mail access may not be used for transmitting, receiving, or storing of any communications of a defamatory, discriminatory, or harassing nature, or materials that are obscene or "X-rated." Employees may not transmit messages or otherwise use electronic communications in a manner that would violate ROI's anti-harassment/non-discrimination policy.

Employees are reminded that the Internet is not secure and not to assume that others cannot read or alter messages. Even when a message is erased it is possible to retrieve and read or hear that message. For example, ROI may monitor: the content of e-mails that employees send from the ROI server; employee's internet use and sites visited; and employee voice mail.

Materials belonging to ROI may not be transmitted electronically without express permission of a Director. Further, ROI's name is attached to all messages; therefore, discretion is recommended in formulating all messages, and confidentiality language must be included on all outgoing emails.

Employees may not use the internet to solicit or persuade for commercial ventures, religious or political causes, outside organizations, or other non-job-related solicitations. Employees also may not use the internet or computers to send or receive "instant messages."

7. SOCIAL NETWORKING POLICY

Policy

ROI takes no position on any employee's decision to start or maintain a blog or participate in other social networking activities. However, it is the right and duty of ROI to protect itself from unauthorized disclosure of information. ROI's social networking policy includes rules and guidelines for personal social networking and applies to all staff as well as board members.

Blogging or other forms of social media or technology include but are not limited to video or wiki postings, sites such as Facebook and Twitter, chat rooms, personal blogs or other similar forms of online journals, diaries or personal newsletters not affiliated with ROI.

Unless specifically instructed, employees are not authorized and therefore restricted to speak on behalf of ROI. Employees may not publicly discuss individuals served or any confidential work-related matters outside company-authorized communications. Employees are expected to protect the privacy of ROI and its individuals served and employees and are prohibited from disclosing personal employee/individual served information and any other proprietary and nonpublic information to which employees have access. Such information includes but is not limited to information about individuals served/employees/tenants/payees, financial information, and strategic business plans. These restrictions are in no way meant to infringe upon an employee's protected speech under federal labor laws, but to ensure the confidentiality of private/proprietary information.

Procedures

ROI respects the right of employees to write blogs and use social networking sites and does not want to discourage employees from self-publishing and self-expression. Employees are expected to follow the guidelines and policies set forth to provide a clear line between you as the individual and you as the employee. ROI respects the right of employees to use blogs and social networking sites as a medium of self-expression and public conversation and does not discriminate against employees who use these media for personal interests and affiliations or other lawful purposes.

Bloggers and commenters are personally responsible for their commentary on blogs and social networking sites. Bloggers and commenters can be held personally liable for commentary that is considered defamatory, obscene, proprietary or libelous by any offended party, not just ROI. Employees who use blogs or social networking sites to harass, threaten, discriminate or disparage against employees or anyone associated with or doing business with ROI may be subject to disciplinary action.

If you choose to identify yourself as an ROI employee, understand that some readers may view you as a spokesperson for the agency. Because of this possibility, we ask that you state that your views expressed in your blog or social networking area are your own and not those of ROI, nor of any person or organization affiliated or doing business with ROI.

Employees cannot post on personal blogs or social networking sites photographs of individuals served, employees engaged in identifiable work activities, vendors, suppliers, or volunteers without expressed permission to do so.

If contacted by the media or press about their post that relates to ROI business, employees are required to speak with their manager before responding.

Monitoring:

Employees are cautioned that they should have no expectation of privacy while using the Internet. Your postings can be reviewed by anyone, including ROI. ROI reserves the right to monitor comments or discussions about the company, its employees, individuals served, and the industry, posted on the Internet by anyone, including employees and non-employees.

Employees are cautioned that they should have no expectation of privacy while using company equipment or facilities for any purpose.

Reporting and Discipline:

ROI requests and strongly urges employees to report any violations to managers, respective directors, or the HR department. Possible violations include discussions of ROI and its employees and individuals served, any discussion of proprietary information, and any unlawful activity related to blogging or social networking.

ROI investigates and responds to all reports of violations of the social networking policy and other related policies. Violation of the company's social networking policy may result in disciplinary action up to and including termination. Discipline or termination will be determined based on the nature and factors of any blog or social networking post. ROI reserves the right to take legal action where necessary against employees who engage in prohibited or unlawful conduct.

8. OPEN DISCOURSE POLICY

Policy

ROI promotes an atmosphere whereby employees can talk freely with members of the management staff. Employees are encouraged to openly discuss with their supervisor any problems so that appropriate action may be taken. If the supervisor cannot be of assistance, any of the following staff are available for consultation and guidance: the relevant Director, the HR Manager, and the COO.

ROI is interested in all of our employees' success and happiness. We welcome the opportunity to help employees whenever feasible. Please note, some issues may require staff to utilize and follow the Grievance Procedures.

Procedures

All staff are invited to make suggestions via "If I Were Director" forms. ROI publishes these forms monthly in our Grapevine newsletter, and the forms may be submitted to supervisors, the CEO or anonymously in the suggestion box located in the ROI administrative office break room.

9. ROI DRIVING AND TRANSPORTING

Policy

The purpose of this policy is to ensure the safety of the individuals served by ROI and the employees and volunteers who transport them. This policy applies to all employees and volunteers conducting ROI business, whether the vehicle is ROI-owned, employee-owned, volunteer-owned, leased, or borrowed. ROI endorses all applicable state motor vehicle regulations relating to driver responsibility and expects each driver to drive in a legal, safe, and courteous manner and according to all ROI related procedures and guidelines. ROI maintains the right to assign, change, and /or revoke driving status at its discretion.

Procedures

Before any staff is permitted to transport an individual served by ROI, driving records are obtained from the Michigan Secretary of State and reviewed against the agency driving criteria and guidelines. ROI maintains a subscription service with the Michigan Secretary of State and staff motor vehicle violations are automatically reported to the agency.

Current employees and volunteers must report to their supervisor, Director, the Human Resources Manager, or the COO, within 5 business days any new driving-related tickets or accidents.

The Human Resources Manager will determine and authorize driving status for ROI staff based on the ROI Driving Procedures and in conjunction with review of the staff's Michigan Secretary of State's Office driving record. ROI utilizes the Michigan Secretary of State's Office driving record services, and receives annual driving record updates for all current employees and new driving records for each new hire. Additionally, the Secretary of State notifies ROI when current employees with driver's classification have activity on their driving record. When notified of new driving record activity, after receiving annual driving record updates, and/or upon request of a supervisor, the HR Manager reconsiders driver's classification status, and changes the status as necessary according to the procedures and guidelines. The COO and CEO have the discretion to deviate from the Driving Policy and Procedures.

All ROI staff fall into one of two driving classifications: driver or non-driver. **Any staff driving for ROI business must be authorized to do so by ROI and must be classified as a driver.** Drivers may drive ROI-owned vehicles, may drive their personal vehicles for ROI work purposes with supervisory approval and valid proof of insurance, and may transport individuals served by ROI. Non-drivers may not drive ROI-owned vehicles, may not drive their own vehicles for ROI work, and may not transport any individual served by ROI in any vehicle. The use of all ROI-owned vehicles is for the sole purpose of ROI business, and ROI explicitly prohibits non-ROI staff from driving ROI-owned vehicles.

Employees may be asked to utilize their personal vehicles to transport individuals served or for ROI-related work. In such instances, the employee's supervisor will review and assess the employee's personal vehicle, and the supervisor may decline the use of the personal vehicle for ROI business if the supervisor deems the vehicle unsafe or otherwise not fit for ROI business use. Note: staff driving personal vehicles must present proof of current valid insurance for personal vehicles to be driven for ROI business.

To qualify as a "Driver," staff must meet all of the following criteria:

- a) Have a current, valid Michigan Driver's license.
- b) Have had an unrestricted valid driver's license from any jurisdiction throughout the previous 12 months, except: if the staff had an active driver's license for at least 12 months, and that license was suspended solely due to non-payment of a fine or penalty, that suspension will not bar the staff from being classified as a driver.
- c) Have not been convicted of any driving-related felony offense or any of the following driving-related offenses: vehicular manslaughter, vehicular homicide, operating a motor vehicle for the commission of a crime, or fleeing or eluding a police officer.
- d) * Successfully complete ROI's "Coaching the Van Driver" course within the appropriate training time-table (* this criterion applies to program staff only; administrative staff are exempt from this criterion).
- e) Have less than 10 points on their license within the last 3 years with no single infraction awarded 3 or more points. If the State of Michigan driving report does not indicate a point value for an infraction occurring within the last 3 years (for example, if the State of Michigan eliminates point values for infractions older than 2 years), then ROI's HR Manager will attribute a point value to that infraction based on the point values generally utilized by the State of Michigan. If an employee, current or newly hired, has a single infraction awarded 3 or more points, the employee's driver record will receive a secondary review by the COO. The COO will review the infractions and consider the following set of circumstances when determining whether the single infraction of 3 or more points renders the staff ineligible for driver's status classification:
- Length of time that has passed since the infraction(s).
 - Specific circumstances of the infraction (the employee may be expected to provide additional supporting documentation).
 - References obtained in the work history review or length of tenure with ROI.
 - Positions of responsibility held in previous employment capacities or the recommendation of the current supervisor related to responsibility of the employee in the work place.

10. DRUG-FREE WORKPLACE

Policy

Manufacture, distribution, dispensation,* possession, use, or suffering effects of any illegal drug, alcohol, or controlled substance while on ROI premises (including vehicles used for ROI work) or while conducting work for ROI is strictly prohibited. These activities constitute serious violations of ROI rules, jeopardize ROI and the individuals served, and can create situations that are unsafe or that substantially interfere with job performance. Only medications sold over the counter, medications prescribed by the employee's / volunteer's physician, or medications that belong to an individual served, are permitted on any ROI property, in any ROI vehicle, or at any ROI program or activity.

An employee (whether on duty or not) who is under any level of influence from any substance (whether the substance is legal, illegal, prescription and/or over the counter) that might impair the employee's ability to drive may neither transport an individual served by ROI nor use a vehicle for agency business.

ROI reserves the right to require an employee to undergo a medical evaluation, including drug-testing, under appropriate circumstances. Employees who refuse to submit to drug and alcohol testing will be discharged from employment, and ROI will sever its relationship with any volunteer who fails to comply. Employees who violate this policy and/or attendant procedures may be subject to disciplinary action, up to and including discharge from employment.

* NOTE: this policy is NOT intended to excuse failure to dispense properly prescribed medication to individuals served; nothing in this policy prohibits proper dispensing of medications in line with job duties.

Procedures

ROI will maintain practices designed to detect the presence of alcohol or other drugs. All employees must notify their supervisor if using any substance (whether the substance is legal, illegal, prescription and/or over the counter) that might affect the ability to perform their job functions, including but not limited to protecting the health and safety of the individuals served. The supervisor will then assess the employee's ability to perform the job duties safely.

Each employee/volunteer has the **obligation** to report to a supervisor, a Director, or the Crisis Response Team, the behavior of employees/volunteers who may be affected by substance/alcohol use while at work.

All drug tests will be provided by a laboratory or physician selected by ROI and paid-for by ROI. Refusal to undergo such testing when there is suspicion may result in disciplinary action, up to and including discharge from employment. The decision to perform drug testing must be supported with reasonable suspicion of substance/alcohol use, and adherence to all state and federal laws. The determination to test must include reasons for the recommendation, such as: specific behaviors in question, health and safety of the individuals, or workplace functioning. The employee must be driven to the testing site by the supervisor or attending staff and ROI will also transport (or offer to transport, if the employee declines) the employee home after the test is finished. This is a confidential process that must not be discussed in any program or with other employees other than relevant management staff. ROI encourages any employee with substance abuse problems to seek professional assistance, and the COO or HR Manager can assist with referrals for such services.

11. WORKPLACE VIOLENCE AND WEAPONS-FREE WORKPLACE

Policy

ROI strongly believes in treating all employees with dignity and respect. We will not tolerate any workplace violence, which we define to include threats, implied threats, harassment, verbal assault, physical altercations, assaults/batteries, or any other form of aggressive or violent behavior against a co-worker, a person served, or any other person encountered while working for ROI (this would include, for example, visitors at the office or group home and persons encountered while out in the community with persons served). Threats can take many forms, and may include but are not limited to: showing weapons, telephone calls, letters, email, vandalism, following/stalking, and face-to-face conversations.

ROI also prohibits employees from having weapons in their possession at any time they are working at or for ROI.

Violating this policy is a major offense that will most likely result in immediate termination for the first offense. If ROI management suspects possession of weapons, inspecting and/or searching for weapons may involve police assistance.

Procedures

To ensure safety at all times, employees, volunteers, visitors, vendors, suppliers, individuals served and/or contractors are prohibited from bringing or possessing weapons on ROI property. This prohibition applies to all ROI property and service locations, including the administrative office, all parking lots, any property owned or leased by ROI, vehicles in the parking lot of ROI property or used in the course of ROI activities, or in any situation or physical site that includes activities of ROI. Weapons include any object designed for and/or used to cause bodily harm, including guns, firearms, knives, archery-type devices, stun guns, objects capable of firing a projectile, or martial arts devices (including weapons for which a person may have a license or authorization to possess). This rule does not, however, prohibit employees from properly using “weapons” when required during the course of work; for example, employees may use knives when preparing or assisting with food for individuals served.

If you encounter any conduct that may constitute actual or threatened workplace violence, you should immediately report this to your supervisor or to any other member of management or the HR team with whom you feel comfortable. ROI will immediately investigate and promptly respond to any complaint of workplace violence. Violation of this policy, including failure to consent to a search, may result in disciplinary action, up to and including discharge from employment.

Should an employee have knowledge of weapons in another employee’s possession, it is her/his obligation to report it to a supervisor immediately. Failure to report may result in disciplinary action, up to and including discharge from employment. ROI will work to prevent retaliation in these instances should a report be made.

Additionally, if an employee intentionally fabricates an allegation that another employee violated this policy, or if a witness knowingly supports a fabricated allegation, ROI may take appropriate disciplinary action up to and including discharge from employment.

12. INVESTIGATIONS AND SEARCHES

Policy

ROI may conduct internal investigations pertaining to security, auditing or work-related matters. Employees are required to cooperate fully with and assist in these investigations if requested to do so. Additionally, external agencies, such as licensing or accrediting bodies, or the Office of Recipient Rights, may conduct investigations which employees are required to cooperate and assist with upon request.

Failure to comply with investigations and / or searches may result in disciplinary action, up to and including discharge from employment.

Procedures

Whenever necessary, in ROI's discretion, work spaces (including but not limited to desks, file cabinets, voicemail, email, etc.) and personal belongings (including but not limited to brief cases, handbags, backpacks, etc.) may be subject to a search without notice. Employees are required to cooperate. ROI will generally try to obtain an employee's consent before conducting a search of work areas or personal belongings, but may not always be able or choose to do so.

13. VISITS TO STAFF'S HOMES

Policy

Visits to staffs' homes may occur only if an individual or his/her guardian and the Program Supervisor give permission. A staff member visiting his/her own home with an individual during the course of work, without the supervisor's permission, is subject to discipline up to and including discharge.

Procedures

Program Supervisors shall obtain permission or denial from the guardian or the individual upon intake/admission for either ongoing approval or individual approval per instance or per staff for staff home visits. The Program Supervisor will then comply with the directions provided by the guardian or the individual; the Program Supervisor has authority to be more restrictive than the individual or the guardian, but not less restrictive, based upon the needs of the individual and other health/safety/liability concerns. Staff members are responsible for knowing the procedures prior to taking an individual to the staff's own home.

14. HOUSEGUESTS OF STAFF

Policy

Houseguests of staff are only permitted at program sites if the PC grants approval. Houseguests of staff include: family members/friends of staff, girl/boyfriends of staff, business acquaintances of staff, and off-duty staff, who come to visit on-duty staff in a program setting. Houseguests do not include those whose primary intent is to visit the individuals served. A staff member permitting houseguests in violation of this policy may be subject to discipline up to and including discharge.

Procedures

Each PC will establish in-program guidelines for determining the process or appropriateness of a visitor. Prior to staff inviting any houseguest into the program, the staff member is responsible for following the in-program guidelines for obtaining permission.

15. PERSONNEL FILES

Policy

ROI maintains personnel records for applicants, employees and past employees to document employment-related decisions, evaluate and assess policies, and comply with government record keeping and reporting requirements. Record keeping will be conducted consistent with governing laws and requirements of funding bodies.

ROI will balance its need to obtain, utilize and retain employment information with concern for the individual's privacy. All personnel documents are confidential, regardless of the degree of its sensitivity. ROI will only maintain personnel information necessary to conduct business or required by law. The official record includes only prescribed and other lawful employment information, such as: personal identifying information; employment application; letter of employment; orientation check list/training information; W-4; Payroll; commercial card agreements; benefit plan enrollment forms; performance evaluations; disciplinary actions; and employment separation information.

Procedures

Staff Access: The HR Department oversees record keeping for all personnel information, and will specify what information should be collected and how it is stored and secured. The record is the property of ROI. Access to the record is allowed only to the respective employee and to persons with legal rights to access and the need or right to know. The CEO has the right of access to all personnel files. The HR Manager will decide the need or right to know of persons requesting file access.

Separate Files: Separate files will be maintained which contain exclusive information. Exclusive information is not accessible to the employee or others who do not have the need or right to know this information. A separate, exclusive file may include: medical and worker's compensation information; employment references; intra-agency referral forms; security, credit and bonding reports; investigative reports relating to criminal activities, drug activities, discrimination complaints, work injury investigations, and internal investigations. The HR Manager will determine the need or right to know of persons requesting separate files access.

Release of Information: The HR Department will release personnel information only in writing and only after obtaining the written consent of the employee concerned. Exception may be made to cooperate with legal, safety and medical officials with the need for specific information. In such crisis situations, the CEO or COO will make the exception (or the CFO or PD if neither is available).

Employee Access: Michigan employees have certain legal rights relating to their employment personnel files. ROI will comply with all relevant laws, including the "*Bullard-Plawecki* employee right to know act," concerning employee access to their personnel files.

- All employees have access to the materials in their personnel files, and copies are available for reasonable fees. The HR Department has Personnel file copy request forms.
- Descriptions and qualifications for each position are available to all staff members.
- Information relevant to ROI work performance will be released to prospective employers only upon receipt of the employee's written release of information.

16. CRIMINAL HISTORY RECORDS

Policy

All ROI volunteers and employees must complete a Criminal History Disclosure Consent form and authorization, and ROI may periodically require current volunteers and employees to complete new Criminal History Disclosure Consent forms and authorizations for the purpose of updating this information.

Procedures

Current employees and volunteers must report to their supervisor, Director, the Human Resources Manager, the COO, or the CEO any new misdemeanor and/or felony arrests, and/or charges or convictions before reporting to their next scheduled shift.

All persons offered employment with ROI must successfully meet the pre-employment background check criteria set forth by the Michigan Long Term Care Partnership Workforce Background Check criteria established by Michigan P.A. 26, 27, 28 and 29 of 2006. Identifying information of all persons offered employment with ROI is cross referenced with the US HHS Medicare Medicaid Exclusion List (OIG), the Michigan Nurse Aide Registry (NAR), the Michigan Sex Offender Registry (PSOR), the Michigan Offender Tracking Information System (OTIS), and the Michigan Internet Criminal History Access Tool (ICHAT) databases for exclusionary findings; and the fingerprints of all persons offered employment are submitted via Livescan Fingerprint requests for a clearance check in FBI and other national fingerprint databases. Incumbent staff hired prior to the Long Term Care Workforce Background Check criteria have all been cross referenced and screened against the Michigan ICHAT (and any other relevant state) database, and were held to the hiring standards set forth in the Michigan Good Moral Character hiring guidelines. All staff are re-screened on an annual basis against the Michigan ICHAT database, and ROI is automatically notified of any infraction by the Michigan Long Term Care Workforce Background Check system regarding any staff member who has been electronically fingerprinted.

Individuals will be notified by the Human Resources Manager (non-exempt staff) or COO (exempt staff) if there is any question about his/her qualifications to volunteer or to work for ROI, based on information from the criminal history file search.

All Criminal Conviction History Disclosure Consent Forms and criminal history file information will be reviewed by the Human Resources Manager (non-exempt staff) or COO (exempt staff) and will be kept in a locked file which is only accessible by the members of the HR team and the COO. All criminal information will be kept on file at ROI for a period of ten years from the date of discharge of employment.

17. CONTINUITY OF OPERATIONS PLAN

Policy

There may be times in the future when emergencies or threatened emergencies may adversely affect ROI's ability to continue to do business as usual and provide support to individuals served. In recognition of this, ROI has put together a Continuity of Operations Plan (COOP) that provides guidance to staff by identifying essential functions of the organization and ways to protect their continuation and orderly recovery when the need arises. The plan considers a wide range of potential emergencies including blizzards, widespread utilities interruption, and pandemic flu.

The **primary objectives of the plan** include:

- Protecting the safety and well being of individuals served, and
- Protecting the safety, well being, and productivity of staff.

Procedures

Should an occasion arise that necessitates the activation of the Continuity of Operations Plan, members of the ROI Severe Emergency Response Team will be in communication with supervisors who will keep all staff informed as needed. Depending on the extent of the emergency, ongoing instruction and information for employees will also be available through our website: ResidentialOpportunities.org, WKZO (AM 590), and/or Channel 3 (WWMT).

ROI may reassign staff, with or without advance notice, to work where needed. Additionally, employees may have their hours reduced as needed due to changing business demands, and employees may use sick or annual time as is relevant.

18. TEMPORARY LIGHT DUTY POLICY

Policy

ROI does not have permanent light duty jobs, but sometimes light duty work is available for employees on worker's compensation restrictions. ROI may place an employee on "temporary light duty" assignment if the employee is eligible for worker's compensation and has a written physician's statement restricting the employee from normal work duties but releasing the employee for available light duty work. Consistent with all applicable laws, an employee who refuses a light duty assignment which meets the requirements of the physician's statement may have worker's compensation pay terminated.

Procedures

ROI's Employee Benefits and Administrative Support Specialist will supervise employees performing administrative light duty assignments, and those employees must report to the Employee Benefits and Administrative Support Specialist (or his/her designee) at the beginning and end of each administrative light duty day and at the beginning and end of any breaks. Program site supervisors will supervise light duty assignments at program sites, and those employees must report to program site supervisors in accordance with normal program site procedures.

If an employee is assigned a light duty job or task that s/he considers to be beyond the physician's restrictions, the employee must immediately inform his/her light duty supervisor. Employees should not perform any tasks contrary to their restrictions. All light duty assignments are "temporary," and light duty assignments may not be converted into permanent ROI positions. In the event light duty work is no longer available for an employee, ROI may require the employee to return to a worker's compensation leave.

G. DISCIPLINE & LEAVING ROI

1. DISCIPLINE AND DISCHARGE AUTHORITY

Policy

All ROI supervisors have the authority to issue informal discipline, including verbal counselings and trainings. Only certain supervisors have the authority to issue formal discipline, which includes reprimands, warnings, suspensions, and discharges. Formal discipline authority is as follows:

- Reprimands, warnings, and suspensions: The CEO, COO, CFO, Director of Development, Director of Properties, PDs, Administrative Managers, and PCs all have the authority to issue reprimands, warnings, and suspensions.
- Discharge: The Board of Directors has exclusive authority to discharge the CEO. The CEO, COO, CFO, Director of Development, Director of Properties, and PDs have authority to discharge probationary and non-probationary members of their teams.

Procedures

Formal disciplinary action will be in writing, and will be presented to the employee in person when feasible.

Prior to discharging non-probationary staff, Directors will verify with the COO that the employee being terminated meets discharge criteria. For discharges of positions directly below the supervisor's position, the supervisor must consult with the position one-step above the supervisor. As an example, the COO would need to consult with the CEO before discharging the HR Manager or a PD.

2. PROGRESSIVE DISCIPLINE FOR NON-PROBATIONARY EMPLOYEES

Policy

ROI's success depends upon the behavior of its employees. Likewise, employees' job security depends upon the success of ROI. To ensure ROI is as successful in completing its mission as possible, all employees are expected to observe common standards of honesty, decency, and respect for the rights of others.

ROI's goal is to use progressive discipline when employees fail to adhere to expected performance standards, Policies and Procedures, and/or desired standards of professional conduct. The frequency and/or severity of misconduct will determine which disciplinary action is taken. Progressive discipline is not required in all instances, and the progressive discipline policy does NOT apply to probationary employees. Further, ROI reserves the right to deviate from progressive discipline for non-probationary employees, regardless of the employee's previous work record.

Procedures

ROI will provide training, both formal and informal, classroom and on the job, so that all employees who successfully complete the training will understand and be able to meet ROI's performance standards. If an employee's work performance does not meet ROI's standards, a supervisor may, at his/her discretion, implement one of a number of possible actions, including: informal corrections in the form of a training or verbal counseling; or formal discipline in the form of a written reprimand, written warning, suspension, or discharge. As stated above, ROI reserves the right to deviate from the order of discipline, either in favor of more or less stringent discipline, and supervisors may consider mitigating or compounding circumstances surrounding an infraction when determining the proper discipline level. Additionally, disciplinary actions will be determined with reference to a program or department's protocols, where relevant.

For purposes of deciding whether a higher discipline level is warranted due to previous discipline, ROI will generally consider only discipline that occurred within the past 12 months (unless otherwise noted below, unless a pattern is noted, or based upon Director's discretion). If the employee has discipline on file within the past 12 months, the employee may receive higher level discipline for that next infraction. In general, the new infraction will be elevated by one level for each existing discipline within the last 12 months. This means, for example, if the employee has 1 reprimand-level infraction on file, then the employee may receive a warning for the 2nd reprimand-level infraction, and a suspension for the 3rd reprimand-level infraction within 12 months. As another example, if the employee has 1 reprimand-level infraction on file, and then commits a warning-level infraction within 12 months, the employee may receive a suspension (instead of a warning) for the infraction.

In general, the progressive discipline structure prior to discharge is as follows (please note, the below lists are examples, rather than exhaustive lists of what infractions may lead to what discipline level; the lists are not intended to be comprehensive and do not change the employment-at-will relationship between the employee and ROI):

Step One: Written Reprimand. A written reprimand may be utilized when an employee exhibits a pattern or single instance of deficient work performance and the consequences or potential consequences to individuals served, co-workers, or ROI as a whole are negative, but minor. Examples

of reprimand-level infractions include:

- A pattern of:
 - Unintentional error in non-medical documentation
 - Tardiness less than 15 minutes each instance
 - Inappropriate dress
 - Not completing job responsibilities
 - Poor quality of work

- Single instance of:
 - Treating non-consumers (e.g., family members, guardians, co-workers, and collateral agency staff) without dignity and respect
 - Not treating people with common courtesy
 - Failure to follow program/department procedures
 - Failure to properly monitor and implement program/department information changes
 - Failure to attend/be appropriately prepared for scheduled training, staff, or other work-related meetings/seminars/conferences
 - Tardiness of 15 - 30 minutes
 - Attending to personal business without authorization while on the job
 - Unintentional error in medical documentation
 - Failure to report an instance of work performance (suspected or known) on the part of any ROI employee or volunteer that would warrant a reprimand

Step Two: Written Warning. A written warning may be utilized when an employee exhibits deficient work performance and the consequences or potential consequences to individuals served, co-workers, or ROI as a whole are negative, and more serious than what would warrant a reprimand. Examples of warning-level infractions include:

- Failure to implement ROI's Core Values
- Tardiness of more than 30 minutes
- Failure to be fully alert during a shift or while carrying out work-related responsibilities if the failure does not result in neglect or abuse
- Failure to appear for a scheduled shift or leaving work without authorization during work hours if the failure does not result in neglect or abuse
- Unauthorized presence on ROI property (including group homes)
- Failure to report an instance of work performance (suspected or known) on the part of any ROI employee or volunteer that would warrant a warning

Step Three: Suspension. A suspension may be utilized: when an employee's work performance jeopardizes the health, safety, or reputation of an individual served, of a co-worker, or of ROI as a whole; or to allow for an investigation of abuse, neglect, or an infraction which may lead to discharge.

All suspensions imposed for disciplinary or investigative purposes will be without pay. If an employee has been suspended pending an investigation and, subsequently, the charges against the employee are not substantiated or do not warrant a suspension / that length of suspension, or if an employee has been suspended for disciplinary reasons and later successfully grieves the disciplinary action, s/he will receive any and all lost pay for the period s/he was wrongfully suspended. Examples of suspension-level infractions include:

- Failure to be fully alert during a shift or while carrying out work-related responsibilities if the failure results in neglect or abuse
- Failure to appear for a scheduled shift or leaving work without authorization during work hours if the failure results in neglect or abuse
- Unprofessional conduct
- Falsely maligning the reputation of a client, a co-worker or ROI
- Unauthorized possession or use of property belonging to ROI or an individual served by ROI
- Violating ROI's confidentiality policies or procedures
- Arrested for or charged with a crime that would render the staff ineligible for employment in covered licensed settings under the Michigan Workforce Background Check Program
- Failure to report an instance of work performance (suspected or known) on the part of any ROI employee or volunteer that would warrant a suspension

Step Four: Discharge. Discharge may be considered when an employee's actions jeopardize the health, safety, or reputation of an individual served, of a co-worker, or of ROI as a whole. Examples of discharge-level infractions include:

- A second instance of (1) failure to appear for a scheduled shift, (2) leaving work without authorization during work hours or (3) failure to be fully alert during a shift or while carrying out work-related responsibilities, regardless of whether the infraction results in neglect or abuse.
- Jeopardizing the health or safety of an individual served, a co-worker, or ROI as a whole
- Breach of trust or dishonesty, including theft
- Falsification of ROI documents (including time records)
- Conviction of a crime that would render the staff ineligible for employment in covered licensed settings under the Michigan Workforce Background Check Program
- Insubordination or willful / serious / excessive violation of any ROI Policies and Procedures
- Willful destruction of property belonging to ROI or an individual served by ROI
- Failure to cooperate with a work-related investigation
- Violating ROI's Anti-Harassment, Anti-Discrimination, and/or Equal Employment Opportunity Policies
- Violating ROI's Workplace Violence and Weapons-Free Workplace policy
- Violating ROI's alcohol and drug use policy
- Failure to report an instance of work performance (suspected or known) on the part of any ROI employee or volunteer that would warrant a discharge

3. SEPARATION FROM EMPLOYMENT

Policy

Every ROI employee has the status of "employee-at-will," meaning that no one has a contractual right, expressed or implied, to remain in ROI's employ. ROI may discharge an employee, or an employee may abandon his/her employment, without cause, and with or without notice, at any time for any reason. No supervisor or other representative of ROI (except the CEO or the Board of Directors) has the authority to enter into any agreement for employment for any specified period of time, or to make any agreement contrary to the above.

To be eligible for payout of unused annual time, employees must provide ROI with advance written notice of their intent to voluntarily end their employment with ROI and meet the conditions listed below. Proper notice for exempt employees is four weeks and for non-exempt employees is two weeks prior to the last day the employee intends to work.

Procedures

ROI will only compensate employees for unused annual time if the employee works throughout the notice period, and is not involuntarily discharged; otherwise, unused annual time will be forfeited. Annual days may not be included as days worked during the notice period. If, as sometimes happens, the employee's supervisor wishes for the employee to leave prior to the end of the employee's notice period, the employee may be paid for the remainder of that period at the COO's discretion.

The final pay for separating employees will be the next regular payday. Persons ending employment are responsible for returning funds advanced and/or ROI property in their possession (keys, charge cards, tools, etc.). If the employee owes ROI any money, is responsible for lost or damaged property, or has not repaid advanced annual or sick leave, those accounts are to be settled as originally agreed and as permitted by law.

An employee may be considered as having voluntarily resigned if s/he:

- Is absent from work without being excused or giving proper notice;
- Has not returned to work from a leave of absence by the agreed upon date; or
- Fails to attend a scheduled discharge review meeting.

Forfeiture of non-vested benefits (such as unused annual leave) and ineligibility for reemployment will result when an employee:

- Fails to give proper written notice;
- Fails to work all scheduled hours throughout the proper notice period;
- Fails to return or replace any ROI property;
- Fails to repay any borrowed money or the value of sick or annual leave advances;
- Fails to complete an exit interview, if requested; or
- Is involuntarily discharged for violation of an ROI policy or procedure.

The supervisor of each person ending employment (whether voluntary or involuntary) will complete and forward to the COO a PSC within one week after the employee's last day of work. The HR Department is responsible for notifying terminating employees who are covered by ROI's group health plan if they have the right to continue coverage under that plan.

4. GRIEVANCE

Policy

ROI provides a grievance procedure as an orderly system for resolving employee disputes or complaints in an equitable and timely manner. For the purpose of this policy, a dispute or complaint is defined as involving disciplinary action or the interpretation or application of ROI Policies or Procedures (with the exception of any matters concerning alleged harassment, discrimination or retaliation, which has a separate complaint and investigation Policy and Procedure). These are referred to throughout the Grievance policy and procedure as “Grievable Actions.”

Eligible employees (those who have successfully completed their initial probationary period) are free to use the procedure without restraint, interference, coercion, discrimination or reprisal. Any employee, whether acting in an official capacity for ROI or on any other basis, who does (or attempts to) restrain, interfere with, coerce, discriminate against, or take an action of reprisal against another employee who has exercised or intends to exercise his/her rights under this procedure may be subject to disciplinary action, up to and including discharge from employment.

The Grievance policy and procedures are established as a guideline and policy of ROI for the benefit of ROI and its employees. It should not be construed as an expansion of the employee’s “at-will” relationship. An employee’s action or inaction, or ROI’s election to not follow any of the steps set forth below, may nevertheless result in discharge pursuant to the “at-will” relationship.

Procedures

STEP 1: WRITTEN GRIEVANCE TO A DIRECTOR

Initiating the grievance: An employee may dispute a Grievable Action by submitting a written statement of grievance to the immediate supervising Director of the person who administered the Grievable Action within one calendar week of the Grievable Action. (For example: action by PC → grieve to PD; action by PD → grieve to COO; action by Accounting Manager → grieve to CFO; action by CEO → grieve to Program & Personnel Committee of the Board of Directors) The written grievance must include a brief description of the actions that are in dispute and reasons the employee believes the actions were inconsistent with ROI’s Policies and Procedures or otherwise incorrect or unfair. Note: In the event of discharge, the PDR recommending discharge and the discharge decision constitute a single grievable action, both of which will be grieved to the supervising Director of the person who took the Grievable Action. So, for example, if a Program Director supports a Program Coordinator’s recommendation for discharge, the PDR giving rise to the discharge as well as the Program Director’s discharge decision would be simultaneously grieved to the COO.

Director’s response: The Director (or Program & Personnel Committee if grievance concerns the CEO) receiving the grievance will:

- Respond to the grieving employee and acknowledge the grievance request within 2 business days;
- Provide an explanation of the grievance process and expected timelines;
- Conduct an investigation to determine if the employment action was warranted;
- Notify the grieving employee and the staff who took the Grievable Action of the findings in writing within 1 week of the last investigating conference. The grievance will be either

supported or be determined to be unjustified, partially or fully, and disciplinary action may be upheld or partially or totally overturned; and

- Include in the written report to the parties information on “next steps” and options. If, in the course of the investigation, new violations are revealed, subsequent and more severe action may occur.

STEP 2: HEARING BEFORE AN EMPLOYEE REVIEW BOARD

Requesting an Employee Review Board Hearing: If either party is dissatisfied or disagrees with the determination of an initial grievance or action by a Director; OR if the Director in the initial grievance did not meet the timelines and did not negotiate a new timeline, the party may submit a written request for a hearing before an Employee Review Board. The request for an Employee Review Board hearing should be submitted to the COO (or the CEO if the complaint is against an action of the COO) within 1 week of the action / determination. Note: In the case of allegations against the CEO, the decision of the Program & Personnel Committee is final, and no Employee Review Board hearing will be held.

The written request for a hearing before an Employee Review Board shall include:

- A description of the Grievable Action;
- A copy of the Director’s written determination; and
- A description of the reasons the employee believes the actions were inconsistent with ROI’s Policies and Procedures or otherwise incorrect or unfair.

The grieving party can expect that:

- The COO or CEO will, within one week, provide verbal notification of receipt and an explanation of Employee Review Board hearing process;
- The COO or CEO will set a date for the hearing within 3 weeks of confirmation (or negotiate a satisfactory alternative date with the grieving party); and
- The Employee Review Board will conduct a hearing.

The Employee Review Board: Employees eligible to be Employee Review Board panel members must have been eligible for a bonus in the prior fiscal year (or ineligible only due to lack of tenure) and be approved by the respective Director. In the case of non-exempt employee grievances, the membership of the panel will include both non-exempt and exempt status employees. In the case of exempt employee grievances, the panel will be comprised of all exempt employees, and the grieving employee may elect whether to have any same-level staff on the panel (e.g., a PC could elect to have a PC on the panel or a panel of solely Directors). The COO or CEO will serve as facilitator and will select panel members. ROI will endeavor to select unbiased, objective panel members, however concerns regarding objectivity and conflict of interest may be brought by either party to the attention of the COO or CEO.

Prior to the Hearing: Both parties must provide to the facilitator no later than two business days preceding the hearing:

- The names of witnesses expected to testify at the hearing; and
- Copies of relevant written material (“exhibits”).

Note: Materials submitted less than 2 days before the hearing **will not be considered** unless the hearing date is rescheduled to render the materials timely. The facilitator has exclusive discretion to decide whether to reschedule the hearing. Materials submitted after the hearing will not be considered.

The Hearing: The COO or CEO will serve as facilitator, and will conduct the hearing. The facilitator will determine the redundancy and/or relevancy of the witnesses' information, has the discretion to disallow any exhibits or statements that appear unnecessarily inflammatory or irrelevant, and may choose which witnesses will be invited to speak. The facilitator has the responsibility to ensure that the hearing is focused on the facts, and the application of ROI Policies and Procedures to the facts at hand, and will disallow unnecessary character attacks and/or discussions of irrelevant information.

Outcome: The panel will consider all evidence presented at the hearing, and will meet at the conclusion of the hearing to determine the outcome. The panel's determination will be by majority rules, rather than unanimous. The facilitator will be present to answer procedural questions from the panel, and to capture the panel's decision, but the facilitator will at all times remain neutral and objective. The Employee Review Board may uphold or overturn (totally or partially) the decisions and actions taken. The Employee Review Board may request that it make a more thorough review of the information with its re-determination to follow. This re-determination will be made within one week. The Employee Review Board may reduce the severity or eliminate the action taken previously. The Employee Review Board may not impose any harsher action. When the panel has reached its decision, the facilitator will document the result, obtain the panel's approval of the documented results, and the facilitator will then relate the results to the Grieving party and the supervisor.

Appeal: The CEO will review a decision should either party express dissatisfaction with the decision of the Employee Review Board. The decision of the CEO is final.

5. POST-EMPLOYMENT

Policy

Rehire: Former employees may be eligible for re-employment consideration if recommended by their supervisor and approved by the COO.

Employment References: HR will only honor those requests for employment references which are submitted in writing to the HR Department.

Procedures

Rehire: Former employees shall apply for re-employment per the normal application process.

Employment References: Requests for employment references must include an authorization by the employee for the release of the requested information, including waiving the right to any legally required oral or written notification. Generally, the HR Department will not release information without the employee's authorization, or will limit the information to verification of the employee's position and dates of employment with ROI. The HR Manager is authorized to provide employment references, and the HR Manager has discretion to delegate the task of responding to a request for an employment reference on a case by case basis.

H. APPENDICES

❖ APPENDIX 1: FAMILY AND MEDICAL LEAVE ACT

Policy

ROI will provide eligible employees job-protected leave of up to 12 weeks per rolling calendar year for certain qualifying family and medical reasons or because of any qualifying exigency of a covered military family member. In addition, eligible employees may take up to a total of 26 workweeks in a “single 12-month period” to care for a covered servicemember with a serious injury or illness. FML leave is unpaid, but employees may be able to utilize annual or sick leave consistent with annual and sick leave policies.

FML leave will be tracked concurrently with paid leaves (sick, annual, workers’ compensation) and unpaid leaves. It is the policy of ROI to comply with the U.S. Department of Labor, Family and Medical Leave Act and regulations, and all other applicable federal, state and local laws.

Procedures

EMPLOYEE ELIGIBILITY: An eligible employee is an employee who:

- 1) Has been employed by ROI for at least 12 months (need not be consecutive months), and
- 2) Has been employed for at least 1,250 hours of service (does not include any paid leave time) during the 12-month period immediately preceding the leave commencing.

QUALIFYING REASONS FOR FAMILY AND MEDICAL LEAVE: Leave will be granted up to 12 workweeks per calendar year to eligible employees for family or medical leave purposes as defined below:

- 1) For the birth of a child of an employee or to care for such child, or for the placement with the employee of a child via adoption or foster care. Family leave must be taken within 12 months of the birth or placement, although the leave may begin before the actual birth, adoption or placement. Family leave may be taken intermittently or as a reduced work schedule at ROI’s discretion.
- 2) To care for the employee’s spouse, son, daughter, or parent with a serious health condition.
- 3) For the employee’s own serious health condition that makes the employee unable to perform the functions of his/her job.
- 4) For a qualifying exigency of an employee’s covered military family member (National Guard, Reserves, or regular component of the Armed Forces) on active duty or a call to duty. The covered military member must be the employee’s spouse, son, daughter, or parent.

QUALIFYING REASONS FOR MILITARY FAMILY LEAVE: Leave will be granted for up to 26 workweeks in a single 12-month period for military family leave to care for a member of the Armed Services (including the National Guard and Reserves) or veteran who has a serious injury or illness incurred on active duty. An eligible employee who is the spouse, son, daughter, parent, or next of kin (nearest blood relative or designee) of a covered servicemember shall be entitled to a total of **26 workweeks** of leave during a single 12-month period (beginning the first day the employee takes FMLA leave) to care for the servicemember. During this single 12-month period, an employee is limited to **a combined total of 26 workweeks** of injured servicemember family leave and any other type of FML leave.

DEFINITIONS:

A. **Serious Health Condition:** an illness, injury, impairment or physical/mental condition that involves one or more of the following:

- 1) **Inpatient Care:** an overnight stay in a hospital, hospice or medical care facility, including any period of incapacity and subsequent treatments in connection with the inpatient care.
- 2) **Continuing treatment by a health care provider,** including any one or more of the following:
 - a) **Incapacity and treatment:** A period of incapacity of more than 3 consecutive, full calendar days and any subsequent treatment or period of incapacity relating to the same condition that also

involves: (1) Treatment 2 or more times within 30 days of the first day of incapacity, unless extenuating circumstances exist, by a health care provider; or (2) Treatment by a health care provider on at least 1 occasion which results in a regimen of continuing treatment under the supervision of the health care provider. NOTE: Treatment by a health care provider means an in-person visit to a health care provider. The first (or only) in-person treatment must take place within 7 days of the first day of incapacity. Extenuating circumstances are considered circumstances beyond the employee's control that prevent the follow-up visit from occurring as planned by the health care provider.

- b) **Pregnancy or prenatal care:** Any period of incapacity due to pregnancy or for prenatal care.
 - c) **Chronic conditions:** Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. (Example: asthma) A chronic serious health condition is one which: (1) Requires periodic visits (at least twice a year) for treatment by a health care provider; (2) Continues over an extended period of time; and (3) May cause episodic rather than continuing periods of incapacity.
 - d) **Permanent or long-term conditions:** A period of incapacity, which is permanent or long term due to a condition for which treatment may not be effective. Person must be under continuing supervision of, but need not be receiving active treatments by, a health care provider. (Example: Alzheimer's, cancer)
 - e) **Conditions requiring multiple treatments:** Any period of absence to receive multiple treatments (including recovery therefrom) for restorative surgery after an accident or injury or for a condition that would likely result in a period of incapacity of more than 3 days in the absence of medical treatment. (Ex: Chemotherapy for cancer)
 - o Items b) and c) may qualify as FMLA leave even though the employee or covered family member does not receive treatment from a health care provider during the absence, and even if the absence does not last more than 3 consecutive, full calendar days. These leaves can be taken intermittently.
 - o Substance abuse may be a serious health condition if criteria in items a-e above are met, but FML may be taken only for treatment of substance abuse.
 - o Usually, barring complications, the common cold, flu, ear aches, upset stomach, headaches other than migraine, routine dental or orthodontia problems, and periodontal disease are conditions that do not qualify for FML.
- B. **Serious Illness or Injury (Active Duty Injured Service Member):** an injury or illness incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by the service in active duty) that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.
- C. **Serious Illness or Injury (Veteran Service Member):** an injury or illness incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by the service in active duty) that manifested itself before or after the member became a veteran.
- D. **Treatment:** includes examinations to determine if a serious health condition exists. Routine physical, eye or dental exams are not included.
- E. **Regimen for Continuing Treatment:** includes a course of prescription medication or therapy requiring special equipment to resolve or alleviate the health condition. A regimen of taking over-the-counter medications, bed rest, exercise or other similar activities that can be initiated without a visit to a health care provider is not, by itself, sufficient to constitute a regimen of continuing treatment for FML purposes.
- F. **Health Care Provider:** includes doctor of medicine or osteopathy, authorized to practice medicine or surgery by the state in which the doctor practices, podiatrists, dentist, clinical psychologist, clinical social worker, optometrist, chiropractor (limited), nurse practitioners, midwives, Christian Science practitioners and providers authorized to give care under the health plan.
- G. **Care for a Family Member:** includes physical and psychological care (basic medical, hygienic or nutritional needs or safety needs, transportation for medical treatments/appointments, arranging for changes in care,

psychological comfort or reassurance).

H. Covered Family Member:

- 1) **Spouse:** a husband or wife as defined or recognized by State law for purposes of marriage in the State where the employee resides. Spouses who both work for ROI are each entitled to exercise the provisions of this policy.
- 2) **Parent:** a biological parent or an individual who stood in loco parentis to an employee when the employee was a child. This term does not include parents "in law."
- 3) **Son or daughter**
 - a) For leaves taken for birth or adoption, or to care for a family member with a serious health condition, son or daughter means a biological, adopted, foster child, stepchild, legal ward or child of a person standing in *loco parentis* who is either under age 18, or over age 18 and "incapable of self-care because of a mental or physical disability."
 - b) For leaves taken for a qualifying exigency, son or daughter means the employee's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the employee stood in loco parentis, who is on active duty or called to active duty status, and who is of any age.
 - c) For injured service member family leaves, son or daughter means the servicemember's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the servicemember stood in loco parentis, and who is of any age.
- 4) **Next of kin of a covered servicemember:** the nearest blood relative other than the covered servicemember's spouse, parent, son or daughter, in the following priority order:
 - a) Blood relatives who have been granted legal custody of the covered servicemember by a court decree or statutory provisions.
 - b) Brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his/her nearest blood relative for purposes of military caregiver leave under the FMLA. When no designation has been made and there are multiple family members with the same level of relationship to the covered servicemember, all such family members are considered next of kin and may take FMLA leave to provide care for the covered servicemember. If a designation is made, the designated individual shall be deemed the covered servicemember's only next of kin.
- 5) **Covered service member:**
 - a) A member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.
 - b) A veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was a member of the Armed Forces (including National Guard and Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

CERTIFICATION OF FAMILY AND MEDICAL LEAVES:

- A. Medical Certification** - Medical certification is typically required to verify the serious illness of the employee or the covered family member. If medical certification is required, the HR Manager will inform the employee of the need for medical certification within 5 business days after the employee requests foreseeable leave or within 5 business days after unforeseeable leave commences. The employee is required to provide the medical certification in a timely manner (within 15 calendar days). ROI requires the use of standard medical certification forms because of limitations on what information can be obtained.
- 1) If certification is not received within the 15 calendar days and the employee is not making a good faith effort to obtain requested certification, the requested leave will not be counted as FML and therefore not subject to the protections of the FMLA.
 - 2) If the submitted medical certification is incomplete or insufficient, the employee will be given 7 calendar

days to cure any deficiencies and the deficiencies will be identified in writing to expedite this process. If authentication (verification that the health care provider completed the form) or clarification of the information (understand handwriting or meaning of a response) contained on the complete/sufficient medical certification is necessary, either the HR Manager or COO may contact the health care provider if the employee has given the authorization to do so. If an employee chooses not to grant authorization to clarify the certification, ROI may deny FMLA leave.

- 3) The employee is responsible for any costs associated with obtaining the initial medical certification. Failure to provide requested medical certification may mean that the leave will not be counted as FMLA and therefore not subject to the protections of the FMLA. In addition, ROI, through Human Resources, may require a 2nd opinion at ROI's expense. If the medical opinions conflict, a 3rd opinion may be obtained from a health care provider jointly approved by the employee and ROI, through Human Resources, at ROI's expense.
- 4) ***ROI may require certification of the employee's ability to return to work following a leave necessitated by the employee's own serious health condition. Failure to submit such documentation may delay the employee's return to work.***

B. Medical Recertification - As with initial medical certifications, medical recertification forms must be submitted within 15 calendar days of the request. ROI may treat annual medical recertifications the same as initial medical certifications, allowing for eligibility determination and the right to request a 2nd or 3rd opinion at ROI's expense. An employee's failure to provide requested medical recertification may mean that leave will not be counted as FMLA and therefore not subject to the protections of the FMLA; also, the approval and pay status of a leave could be evaluated and changed. ROI may require an employee to submit medical recertification of the continuing need for FMLA (except for injured servicemember family leave) every 30 days except:

- 1) If the medical certification indicates that the minimum duration of the condition is more than 30 days, the request for recertification must wait until that minimum duration expires.
- 2) If medical certification indicates that the employee will need intermittent or reduced schedule leave for a period in excess of 6 months (i.e. for a lifetime condition), ROI may request recertification every 6 months in connection with an absence.
- 3) ROI may request recertification in less than 30 days if:
 - a) Request for leave exceeds the specified leave time on the previous medical certification form;
 - b) Either the duration or the frequency of the absences or the severity of the condition changes significantly; or
 - c) ROI receives information that casts doubt on the employee's stated reason for the absence or the continuing validity of the certification.

C. Qualifying Exigency Certification - ROI may require employees to submit the following when requesting leave for a qualifying exigency of a covered family member:

- 1) A copy of the covered family member's active duty orders or other records issued by the military which indicates active duty status and dates of the active duty service.
- 2) Completion of the Certification for Qualifying Exigency form.

USE OF SICK AND ANNUAL TIME FOR FMLA LEAVES: Consistent with ROI's sick and annual leave policies, ROI will require the employee to use any available accrued paid sick leave followed by any available accrued annual leave during any FMLA absence (Notes: for military "exigency" related leaves, employees will be required and allowed to use accrued annual time only.). Upon exhaustion of paid leave time, or in the absence of any available accrued time, the remaining portion of the leave will be recorded and tracked as unpaid FMLA leave. All FMLA leave time, paid or unpaid, must be documented and submitted on ROI's FMLA time sheet. Hourly employees may charge paid sick and annual time in ¼ hour (15 minute) increments when using it concurrently with FMLA. Salaried employees will charge the time in 4 hour increments for sick and annual time.

RETURN TO WORK: Upon return from leave, the employee will generally be returned to the same position held prior to the leave or to a position equivalent in pay, benefits and other terms and conditions of employment.

A. Employees will be responsible to:

- 1) Give at least 30 days advance notice for foreseeable leaves (expected birth, placement for adoption or foster care, planned medical treatment for a serious health condition of the employee or of a family member, or the planned medical treatment for serious injury or illness of a covered servicemember). If this is not practical because of a change in circumstances or a medical emergency then notice shall be given as soon as practicable.
- 2) Give adequate notice or as much notice as practicable for unforeseeable leaves. The employee's spokesperson may give notice if the employee is unable to do so personally. Failure to give adequate notice may result in delayed or denied FMLA-protected leave.
- 3) Provide sufficient information (verbally) to the supervisor regarding the need for leave so the supervisor can determine if it is for a potentially FMLA-qualifying reason.
- 4) Obtain and submit complete and sufficient certification and/or documentation as requested by the HR Manager.
- 5) Specify the qualifying reason for leave when requesting leave for intermittent chronic serious health conditions. Just calling in "sick" is not sufficient notice to trigger FMLA obligations.
- 6) Document and submit any leave used for FMLA (paid or unpaid) on ROI's FMLA timesheet.

B. Key Employee Exception: A "key" employee is an exempt employee who is among the highest paid 10% of ROI's employees. Under specified and limited circumstances where return to employment will cause ROI "substantial and grievous economic injury to its operations," ROI may refuse to reinstate certain "key" employees after using FMLA leave. To do so, ROI will:

- 1) Notify the employee of his/her "key" employee status in response to the employee's notice of intent to take FMLA leave;
- 2) Notify the employee as soon as ROI decides it will deny job restoration, and explain the reasons for this decision;
- 3) Offer the employee a reasonable opportunity to return to work from FMLA leave after giving this notice; **and**
- 4) Make a final determination as to whether reinstatement will be denied at the end of the leave period if the employee then requests restoration.

BENEFIT CONTINUATION: ROI will continue contributions toward the shared premium benefits at the same level and on the same terms as if the employee continued to work. The employee will be required to continue to pay any portion of the premium on the same terms as if the employee continued to work. If the group insurance rates change while an employee is on FML leave, the employee is responsible to pay the new rates on the same terms as all employees. Arrangements must be made with the Employee Benefits and Administrative Support Specialist for premium payments. An employee may also elect to voluntarily discontinue shared premium benefits while on leave. An employee who elects to voluntarily cancel benefits coverage will also waive the right to extend benefits coverage under COBRA, and may be subject to late entrant penalties if benefits are reinstated at a later date.

- 1) **Leave accruals:** The employee will not lose any leave accruals prior to the start of leave, but will not accrue any leave time while on leave. Seniority will continue to accrue during an approved FML leave (paid or unpaid).
- 2) **Failure to pay:** Failure to pay the benefit premium within a 30 day grace period of the payment due date may result in a retroactive cancellation of benefits effective the first day for which the payment was due. Any claims that have already been paid by the plan for service dates that occur after the effective date of the termination of coverage may be billed to the participant and become the participant's responsibility. ROI will provide written notice to the employee that payment has not been received at least 15 days before the group health coverage will cease and advise the employee that coverage will be cancelled on a specific date unless payment is received. In some cases, ROI may recover premiums paid for maintaining an employee's health coverage if the employee fails to return to work from family medical leave. ROI may require medical certification of the employee's inability to return from leave.

It is unlawful to interfere with, restrain or deny employees any FMLA-provided rights. For more information on employee's FMLA rights, visit: <http://www.dol.gov/elaws/fmla.htm>

❖ APPENDIX 2: ABUSE AND NEGLECT ¹

ABUSE CLASS I
<p>A non-accidental act, or provocation of another to act, by an employee or volunteer, or agent of a provider that caused, or contributed to the death, or sexual abuse of, or serious physical harm of a recipient.</p> <ul style="list-style-type: none">• Serious Physical Harm: Physical damage suffered by a recipient that a physician or RN determines caused or could have caused the death of a recipient, caused the impairment of his/her bodily functions, or caused the permanent disfigurement of a recipient.• Sexual Abuse: Any sexual contact, or sexual penetration involving an employee (or volunteer) and a recipient. "Sexual penetration" means sexual intercourse, cunnilingus, fellatio, anal intercourse, or any other intrusion, however slight, of any part of a person's body or of any object into the genital or anal openings of another person's body, but emission of semen is not required.• Sexual Contact - The intentional touching of the recipient's or employee's intimate parts or the touching of the clothing covering the immediate area of the recipient's or employee's intimate parts, if that intentional touching can reasonably be construed as being for the purpose of sexual arousal or gratification, done for a sexual purpose, or in a sexual manner for any of the following: revenge, to inflict humiliation, or out of anger.
ABUSE CLASS II
<p>A non-accidental act, or provocation of another to act, by an employee, volunteer, or agent of a provider which caused or contributed to, non-serious physical harm of a recipient. "Non-Serious Physical Harm" means: Physical damage or what could reasonably be construed as pain suffered by a recipient that a physician or registered nurse determines could not have caused, or contributed to, the death of a recipient, the permanent disfigurement of a recipient, or an impairment of his or her bodily functions.</p> <p>The use of unreasonable force on a recipient by an employee, volunteer, or agent of a provider with or without apparent harm. "Unreasonable Force" means: physical management or force that is applied by an employee, volunteer, or agent of a provider to a recipient in one or more of the following circumstances:</p> <ul style="list-style-type: none">• There is no imminent risk of serious or non-serious physical harm to the recipient, staff or others;• The physical management used is not in compliance with techniques approved by the provider and the responsible mental health agency. "Physical management" means: a technique used by staff as an emergency intervention to restrict the movement of a recipient by direct physical contact to prevent the recipient from harming himself, herself, or others;• The physical management used is not in compliance with the emergency interventions authorized in the recipient's individual plan of service; or• The physical management or force is used when other less restrictive measures were possible but not attempted immediately before the use of physical management or force. <p>Any action, or provocation of another to act, by an employee, volunteer, or agent of a provider that causes or contributes to, emotional harm to a recipient. "Emotional Harm" means: Impaired psychological functioning, growth, or development of a significant nature as evidenced by observable, physical symptomatology, or as</p>

¹ These definitions are subject to change by ORR or DCH.

determined by a mental health professional.

An action taken on behalf of a recipient by a provider who assumes the recipient is incompetent, although a guardian has not been appointed, that results in substantial economic, material, or emotional harm to the recipient.

Exploitation of a recipient by an employee, volunteer, or agent of a provider. "Exploitation" means: an action by an employee, volunteer, or agent of a provider that involves the misappropriation or misuse of a recipient's property or funds for the benefit of an individual or individuals other than the recipient.

ABUSE CLASS III

The use of language or other means of communication by an employee, volunteer, or agent of a provider to degrade, threaten, or sexually harass a recipient. "Sexual Harassment" means: Sexual advances to a recipient, requests for sexual favors from a recipient, or other conduct or communication of a sexual nature towards a recipient.

NEGLECT CLASS I

Acts of commission or omission by an employee, volunteer, or agent of a provider that result from noncompliance with a standard of care or treatment required by law and/or rules, policies, guidelines, written directives, procedures, or individual plan of service and causes or contributes to the death, or sexual abuse of, or serious physical harm to a recipient.

The failure to report apparent or suspected abuse Class I or neglect Class I of a recipient.

NEGLECT CLASS II

Acts of commission or omission by an employee, volunteer, or agent of a provider that result from non-compliance with a standard of care or treatment required by law, rules, policies, guidelines, written directives, procedures, or individual plan of service and that cause or contribute to non-serious physical harm or emotional harm to a recipient.

The failure to report apparent or suspected abuse Class II or neglect Class II of a recipient.

NEGLECT CLASS III

Acts of commission or omission by an employee, volunteer, or agent of a provider that result from non-compliance with a standard of care or treatment required by law and/or rules, policies, guidelines, written directives, procedures, or individual plan of service and that either placed or could have placed a recipient at risk of physical harm or sexual abuse.

The failure to report apparent or suspected abuse Class III or neglect Class III of a recipient.

❖ APPENDIX 3: GENETIC INFORMATION NONDISCRIMINATION ACT (GINA)

Genetic Information Nondiscrimination Act

GINA is a Federal law that prohibits discrimination in health coverage and employment based on genetic information. GINA, together with already existing nondiscrimination provisions of the Health Insurance Portability and Accountability Act, generally prohibits health insurers or health plan administrators from requesting or requiring genetic information of an individual or an individual's family members, or using such information for decisions regarding coverage, rates, or preexisting conditions. GINA also prohibits employers from using genetic information for hiring, firing, or promotion decisions, and for any decisions regarding terms of employment. The parts of the law relating to health coverage (Title I) generally will take effect between May 22, 2009, and May 21, 2010, and those relating to employment (Title II) will take effect on November 21, 2009.

GINA defines *genetic information* as information about:

- An individual's genetic tests (including genetic tests done as part of a research study);
- Genetic tests of an individual's family members (defined as dependents and up to and including 4th degree relatives);
- Genetic tests of any fetus of an individual or family member who is a pregnant woman, and genetic tests of any embryo legally held by an individual or family member utilizing assisted reproductive technology;
- The manifestation of a disease or disorder in an individual's family members (family history); or
- Any request for, or receipt of, genetic services or participation in clinical research that includes genetic services (genetic testing, counseling, or education) by an individual or an individual's family members.

Genetic information does not include information about the sex or age of any individual.

GINA defines a *genetic test* as an analysis of human DNA, RNA, chromosomes, proteins, or metabolites that detect genotypes, mutations, or chromosomal changes. Routine tests that *do not* detect genotypes, mutations, or chromosomal changes, such as complete blood counts, cholesterol tests, and liver enzyme tests, *are not* considered genetic tests under GINA. Also, under GINA, genetic tests do not include analyses of proteins or metabolites that are directly related to a manifested disease, disorder, or pathological condition that could reasonably be detected by a health care professional with appropriate training and expertise in the field of medicine involved.

GINA's provisions prohibiting discrimination in health coverage based on genetic information do not extend to life insurance, disability insurance, or long-term care insurance. For example, GINA does not make it illegal for a life insurance company to discriminate based on genetic information.

For employment-based health coverage provided by group health plans, GINA permits the overall premium rate for an employer to be increased because of the manifestation of a disease or disorder of an individual enrolled in the plan, but the manifested disease or disorder of one individual cannot be used as genetic information about other group members to further increase the premium. GINA also does not prohibit health insurers or health plan administrators from obtaining and using genetic test results in making payment determinations.

GINA does allow employers to collect relevant genetic information necessary to satisfy the medical certification requirements of the Family and Medical Leave Act (FMLA). For example, an employer may require an employee to disclose that she is taking FMLA leave because her mother has breast cancer, even though her mother's breast cancer is genetic information related to the employee.

❖ APPENDIX 4: FRAUD AND ABUSE

Fraud and Abuse

The False Claims Act ("FCA") provides, in pertinent part, that:

- *Any person who (1) knowingly presents, or causes to be presented, to an officer or employee of the United States Government or a member of the Armed Forces of the United States a false or fraudulent claim for payment or approval; (2) knowingly makes, uses, or causes to be made or used, a false record or statement to get a false or fraudulent claim paid or approved by the Government; (3) conspires to defraud the Government by getting a false or fraudulent claim paid or approved by the Government; . . . or (7) knowingly makes, uses, or causes to be made or used, a false record or statement to conceal, avoid, or decrease an obligation to pay or transmit money or property to the Government, is liable to the United States Government for a civil penalty of not less than \$5,000 and not more than \$10,000, plus 3 times the amount of damages which the Government sustains because of the act of that person.*
- *For purposes of this section, the terms "knowing" and "knowingly" mean that a person, with respect to information (1) has actual knowledge of the information; (2) acts in deliberate ignorance of the truth or falsity of the information; or (3) acts in reckless disregard of the truth or falsity of the information, and no proof of specific intent to defraud is required.*

In sum, the False Claims Act imposes liability on any person who submits a claim to the federal government that he or she knows (or should know) is false. An example may be a physician who submits a bill to Medicare for medical services she knows she has not provided. The False Claims Act also imposes liability on an individual who may knowingly submit a false record in order to obtain payment from the government. An example of this may include a government contractor who submits records that he knows (or should know) is false and that indicate compliance with certain contractual or regulatory requirements. The third area of liability includes those instances in which someone may obtain money from the federal government to which he may not be entitled, and then uses false statements or records in order to retain the money. An example of this so-called "reverse false claim" may include a hospital who obtains interim payments from Medicare throughout the year, and then knowingly files a false cost report at the end of the year in order to avoid making a refund to the Medicare program.

In addition to its substantive provisions, the FCA provides that private parties may bring an action on behalf of the United States. 31 U.S.C. 3730 (b). These private parties, known as "*qui tam* relators," may share in a percentage of the proceeds from an FCA action or settlement.

Section 3730(d)(1) of the FCA provides, with some exceptions, that a *qui tam* relator, when the Government has intervened in the lawsuit, shall receive at least 15 percent but not more than 25 percent of the proceeds of the FCA action depending upon the extent to which the relator substantially contributed to the prosecution of the action. When the Government does not intervene, section 3730(d)(2) provides that the relator shall receive an amount that the court decides is reasonable and shall be not less than 25 percent and not more than 30 percent.

The FCA provides protection to *qui tam* relators who are discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against in the terms and conditions of their

employment as a result of their furtherance of an action under the FCA. 31 U.S.C. 3730(h). Remedies include reinstatement with comparable seniority as the *qui tam* relator would have had but for the discrimination, two times the amount of any back pay, interest on any back pay, and compensation for any special damages sustained as a result of the discrimination, including litigation costs and reasonable attorneys' fees.

Michigan also has a state law, the Medicaid False Claims Act, which imposes prison terms of up to four years and fines up to \$50,000 for:

- Knowingly making a false statement or false representation of a material fact in any application for Medicaid benefits or for use in determining rights to a Medicaid benefit;
- Soliciting, offering or receiving kickbacks or bribes for referrals to another for Medicaid-funded services (fine up to \$30,000);
- Entering an agreement with another to defraud Medicaid through a False Claim; or
- Making or presenting to the State of Michigan a False Claim for payment.

The Michigan Whistleblower's Protection Act (469 P.A. 1980) creates protections and obligations for employees and employers under Michigan law.

PROTECTIONS: It is illegal for employers in Michigan to discharge, threaten or otherwise discriminate against employees regarding compensation, terms, conditions, location or privileges of employment because an employee or a person acting on behalf of any employee reports or is about to report a violation or a suspected violation of federal, state or local laws, rules or regulations to a public body.

It is illegal for employers in Michigan to discharge, threaten or otherwise discriminate against an employee regarding compensation, terms, conditions, location or privileges of employment because the employee takes part in a public hearing, investigation, inquiry or court action.

OBLIGATIONS: The Act does not diminish or impair either the employee's rights or the rights of the employer under any collective bargaining agreement. The Act does not require the employer to compensate an employee for participation in a public hearing, investigation, inquiry or court action. The Act does not protect an employee from disciplinary action if an employee make a report to a public body that is false.

ENFORCEMENT: If an employee believes that ROI has violated this Act, any employee may bring civil action in circuit court within 90 days of the alleged violation of the Act.

PENALTIES: Persons found in violation of this Act may be subject to a civil fine of up to \$500.00.

I. ACKNOWLEDGEMENT AND RECEIPT

I acknowledge that I have received a copy of ROI's Personnel Policies and Procedures. I agree to read ROI's Personnel Policies and Procedures thoroughly, including the statements in the foreword describing the purpose and effect of the Policies and Procedures. I agree that if there is any policy or provision in ROI's Personnel Policies and Procedures that I do not understand, I will seek clarification from the Human Resources Department. I understand that ROI is an "at will" employer and as such employment with ROI is not for a fixed term or definite period and may be ended at the will of either party, with or without cause, and without prior notice. No supervisor or other representative of ROI (except the CEO or the Board of Directors) has the authority to enter into any agreement for employment for any specified period of time, or to make any agreement contrary to the above. In addition, I understand that these Policies and Procedures state ROI's policies and practices in effect on the date of publication. I understand that nothing contained in ROI's Personnel Policies and Procedures may be construed as creating a promise of future benefits or a binding contract with ROI for benefits or for any other purpose. I also understand that these Policies and Procedures are continually evaluated and may be amended, modified or terminated at any time.

As allowed by local, state, and federal law, I agree that any administrative or judicial proceeding arising out of a dispute relative to my employment with Residential Opportunities, Inc. shall not be brought unless the same is commenced within one year following the incident giving rise to such dispute. My failure to commence such proceeding within the one-year period shall result in the extinguishment of any rights I may have had to prosecute such claims or actions.

Please sign and date this receipt and return it to the Human Resources Department.

Date: _____

Signature: _____

Print Name: _____